

DEPARTMENT OF LAW

FY 2013-14 RECONCILIATION OF DEPARTMENT REQUEST

(3) Special Justice and Appellate

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
(A) Special Prosecution Unit						
Special Prosecution Unit						
FY 2012-13 Long Bill Appropriation (HB 12-1335)	\$2,816,528	30.5	\$1,391,287	\$870,476	\$554,765	\$0
SB 12-110 Insurance Fraud Fees	\$196,677	2.0	\$0	\$196,677	\$0	\$0
FY 2012-13 Total Appropriation	\$3,013,205	32.5	\$1,391,287	\$1,067,153	\$554,765	\$0
Prior Year Salary Survey	\$0	0.0	\$0	\$0	\$0	\$0
Prior Year Performance-based Pay	\$0	0.0	\$0	\$0	\$0	\$0
Annualization of SB 12-110	(\$18,423)		\$0	(\$18,423)	\$0	\$0
FY 13-14 Base Request	\$2,994,782	32.5	\$1,391,287	\$1,048,730	\$554,765	\$0
Additional FTE for Special Pros Unit	\$298,907	1.9	\$211,233	\$43,837	\$43,837	
	\$0		\$0		\$0	
FY 2013-14 November 1 Request	\$3,293,689	34.4	\$1,602,520	\$1,092,567	\$598,602	\$0
(B) Auto Theft Prevention Grant						
FY 2011-12 Long Bill Appropriation (SB 11-209)	\$239,075	2.0	\$0	\$0	\$239,075	\$0
FY 13 Additional Grant Amount from Public Safety	\$43,159	0.5	\$0	\$0	\$43,159	
FY 2012-13 Total Appropriation	\$282,234	2.5	\$0	\$0	\$282,234	\$0
FY 13-14 Base Request	\$282,234	2.5	\$0	\$0	\$282,234	\$0
FY 2013-14 November 1 Request	\$282,234	2.5	\$0	\$0	\$282,234	\$0
(C) Appellate Unit						
FY 2012-13 Long Bill Appropriation (HB 12-1335)	\$2,703,455	32.0	\$2,189,829	\$0	\$513,626	\$0
HB 12-1246 Reverse Portion of Paydate Shift	\$5,880		\$5,880	\$0	\$0	\$0
FY 2012-13 Total Appropriation	\$2,709,335	32.0	\$2,195,709	\$0	\$513,626	\$0

DEPARTMENT OF LAW

FY 2013-14 RECONCILIATION OF DEPARTMENT REQUEST

(3) Special Justice and Appellate

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
New Indirect Calculation refinane adjustment	\$0 \$0		\$0 (221,902)		221,902	
FY 13-14 Base Request	\$0 0.0 \$0		\$0	\$0	\$0	\$0
Appellate FTE Increase to Manage Backlog DI	\$2,709,335 32.0 \$1,973,807		\$1,973,807	\$0	\$735,528	\$0
Additional Indirect Recoveries form PIO Decision Item	\$554,200 5.5 \$554,200		\$554,200	\$0	\$0	\$0
FY 2013-14 November 1 Request	\$0 (\$89,278)		(\$89,278)	\$0	\$89,278	\$0
	\$3,263,535 37.5 \$2,438,729		\$2,438,729	\$0	\$824,806	\$0
(D) Medicaid Fraud Unit						
FY 2012-13 Long Bill Appropriation (HB 12-1335)	\$1,579,511 17.0 \$394,876		\$394,876	\$0	\$0	\$1,184,635
	\$0 0.0 \$0		\$0	\$0	\$0	\$0
FY 2012-13 Total Appropriation	\$1,579,511 17.0 \$394,876		\$394,876	\$0	\$0	\$1,184,635
	\$0 0.0 \$0		\$0	\$0	\$0	\$0
FY 13-14 Base Request	\$1,579,511 17.0 \$394,876		\$394,876	\$0	\$0	\$1,184,635
	\$0 \$0		\$0	\$0	\$0	\$0
FY 2013-14 November 1 Request	\$1,579,511 17.0 \$394,876		\$394,876	\$0	\$0	\$1,184,635
(E) Peace Officers Standard Training Board						
FY 2012-13 Long Bill Appropriation (HB 12-1335)	\$2,683,620 7.0 \$0		\$0	\$2,683,620	\$0	\$0
	\$0 \$0		\$0	\$0	\$0	\$0
FY 2012-13 Total Appropriation	\$2,683,620 7.0 \$0		\$0	\$2,683,620	\$0	\$0
PERA adjustment back to 10.15% from 7.65%	\$0 0.0 \$0		\$0	\$0	\$0	\$0
FY 13-14 Base Request	\$2,683,620 7.0 \$0		\$0	\$2,683,620	\$0	\$0
	\$0 \$0		\$0	\$0	\$0	\$0
FY 2013-14 November 1 Request	\$2,683,620 7.0 \$0		\$0	\$2,683,620	\$0	\$0

DEPARTMENT OF LAW
FY 2013-14 RECONCILIATION OF DEPARTMENT REQUEST

(3) Special Justice and Appellate

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
(F) Safe2Tell						
FY 2012-13 Long Bill Appropriation (HB 12-1335)	\$100,686	1.0	\$100,686	\$0	\$0	\$0
FY 2012-13 Total Appropriation	\$100,686	1.0	\$100,686	\$0	\$0	\$0
FY 13-14 Base Request	\$100,686	1.0	\$100,686	\$0	\$0	\$0
FY 2013-14 November 1 Request	\$100,686	1.0	\$100,686	\$0	\$0	\$0
(G) Indirect Cost Assessment						
FY 2012-13 Long Bill Appropriation (HB 12-1335)	\$446,544	0.0	\$0	\$215,830	\$73,184	\$157,530
	\$0		\$0	\$0	\$0	\$0
FY 2012-13 Total Appropriation	\$446,544	0.0	\$0	\$215,830	\$73,184	\$157,530
New Indirect Calculation	\$33,882			\$16,376	\$5,552	\$11,954
FY 13-14 Base Request	\$480,426	0.0	\$0	\$232,206	\$78,736	\$169,484
PIO Decision Item	\$10,197		\$0	\$4,928	\$1,671	\$3,597
FY 2013-14 November 1 Request	\$490,623	0.0	\$0	\$237,134	\$80,408	\$173,081
(3) Special Justice and Appellate						
FY 2011-12 Appropriation(Long Bill plus Special Bills)	\$10,815,135	92.0	\$4,082,558	\$3,966,603	\$1,423,809	\$1,342,165
FY 2012-13 Base Request	\$10,830,594	92.0	\$3,860,656	\$3,964,556	\$1,651,263	\$1,354,119
FY 2013-14 November 1 Request	\$11,693,898	99.4	\$4,536,811	\$4,013,321	\$1,786,050	\$1,357,716

D) BACKGROUND INFORMATION: SPECIAL PROSECUTION UNIT

The Attorney General's trial prosecution efforts are focused in multiple areas: 1) Complex Crimes, 2) Environmental Crimes, 3) Gang Prosecution, 4) Foreign Prosecutions, (5) Auto Theft and 6) the Violent Crime Assistance Team (VCAT). Of these duties, the "Special Prosecutions Unit" (hereinafter SPU) dealt with all six areas. The SPU is also involved in several outreach programs associated with mitigating gang activity, preventing school violence and responding to child abductions.

The most accurate review of the Special Prosecutions Unit is illustrated by an individual review of each of six subject areas:

1. Complex Crimes

The Complex Crimes Unit prosecutes cases that are: 1) referred to us because of our specialized knowledge and experience, or 2) multi-jurisdictional cases investigated through the use of the statewide grand jury.

This Unit derives its authority to investigate and prosecute from three sources: a) statutory authority granted directly to the Attorney General; b) appointment by a local District Attorney to act as a Special Deputy District Attorney; and c) gubernatorial order.

Complex crimes matters required the efforts of four attorneys and three investigators. Several areas of expertise include racketeering cases, domestic terrorism, identity fraud, large check fraud schemes, methamphetamine rings, mortgage fraud, and tax fraud.

One of the investigators and one of the prosecutors allocate a portion of their time to gang prosecutions, as needed. The remaining complex crime prosecutors focused on the financial and narcotic crimes associated with the gang activities and organized criminal enterprises.

2. Environmental Crimes Unit

The primary function of the Environmental Crimes Unit is to investigate and prosecute environmental crimes occurring in the State of Colorado. The Unit also provides investigative and prosecutorial expertise and support to statewide law enforcement efforts against entities committing environmental crimes in the state. The Unit also coordinates a state/federal task force for the purpose of engendering an interrelated effort to contend with environmental crimes affecting Colorado. Members of the Unit also work with the Colorado Department of Public Health and Environment and the United States Environmental Protection Agency to increase awareness and recognition of environmental crimes through training programs directed at local regulators, law enforcement, and other agencies intimately related to the management of Colorado's resources.

The unit derives its authority from statutory authority granted directly to the Attorney General and special appointment by district attorneys. The Unit consists of one Attorney General Prosecutor, a Special Assistant Attorney General, as needed, from the Environmental Protection Agency, an Attorney General Investigator, an analyst and two special agents from the Environmental Protection Agency's Criminal Investigations Division. All costs associated with the EPA Attorney and Investigator are borne by the EPA. The Unit investigates and prosecutes environmental crimes regardless of media (i.e. hazardous waste, hazardous substances, water and air) using existing environmental statutes and other crimes enumerated in the criminal code when applicable.

3. Gang Prosecution Unit

Gangs are a continuing problem in Colorado. The Gang Prosecutions Unit ("GPU") began in 2000 with a mission to decrease the impact gangs have on the community. Since the inception of the unit, we have indicted over 138 gang members on over 250 felony charges. The majority of these gang members were indicted on racketeering-related charges. These prosecutions have all resulted in felony convictions and dozens of years in prison sentences. The GPU works to accomplish that goal through collaborative efforts with other agencies. The GPU prosecutes gang-related multi-jurisdictional crimes. Since the GPU started, many gang members have been successfully indicted and convicted under the Colorado Organized Crime Control Act ("COCCA").

The COCCA laws are similar to federal racketeering laws. Racketeering cases are complex, and demand a lot of resources to adequately investigate and prosecute. Investigations often requires months of collaborative work with numerous agencies before sufficient evidence exists to prosecute these cases. The complexity of these large, multi-jurisdictional cases demand prosecution by experienced attorneys.

In addition to investigation and prosecution, the GPU should be involved with community outreach. An attorney from the AG's Office serves as a legal advisor to the Colorado Gang Advisory Board ("CoG"). The other COG board members are representatives from the Colorado Bureau of Investigation and Colorado law enforcement agencies. COG created and maintains a gang database that is used by law enforcement statewide. The GPU also provides educational outreach and training to prosecutors, police officers, school officials, mental health professionals, law enforcement commanders and corrections officials.

4. Foreign Prosecutions

Each year fugitives flee Colorado after committing homicides. State records reveal 226 active homicide arrest warrants. Nearly 20% of these warrants reveal that the murder fugitive fled to Mexico to avoid prosecution in Colorado. The CBI database indicates 43 murder fugitives believed to be Mexican nationals returned to their country of origin and currently are residing in the Republic of Mexico, in an effort to avoid apprehension and justice in Colorado.

There are two avenues available to states when attempting to prosecute fugitives that have fled to Mexico. First, the state may attempt to extradite the fugitive back to the United States for prosecution. Second, we have the option to prosecute the fugitive in Mexico under Article IV of the Mexican Federal Penal Code. Extradition treaties exist between Mexico and the U.S. However, the government of Mexico has been reluctant to extradite Mexican nationals back to the United States. There have been limited extraditions of Mexican nationals for serious offenses and certain aggravated murders.

The other option available in prosecuting fugitives in Mexico is prosecution in Mexico under Article IV of the Mexican Penal Code. This option, provided by the government of Mexico, is to try their citizens in Mexico for crimes committed in the U.S. If convicted, the offenders serve their sentence in a Mexican prison. In 2001, the General Assembly granted funding for a bilingual investigator at the Attorney General's Office to be the coordinator for Colorado Article IV prosecutions. Mexico's Article IV requires the case be submitted by either the State or Federal Attorney General. The FPU investigator works both with the Mexican Attorney General's Office (PGR), and Colorado law enforcement, to facilitate appropriate Article IV filings and prosecutions of Colorado cases.

During FY 2011-12 the Attorney General's Foreign Prosecution Unit prepared and filed murder cases in Mexico. A total of two Mexican Federal Warrants for homicide cases were obtained in 2010 for murders that occurred in Adams County, Colorado. This Unit also assisted Aurora, Castle Rock, Colorado Springs, Evans, Montrose and Commerce City Police Departments as well as Adams, Arapahoe, Boulder, and Weld County Sheriff Offices with witness and/or persons of interest in criminal investigations. In addition, FPU receives requests from Mexico to locate and detain murder fugitives seeking refuge in Colorado. With the cooperation of ICE and other law enforcement, three homicide suspects and one sexual assault on a child perpetrator were apprehended and returned to Mexico and are no longer a threat to Colorado citizens.

5. Auto Theft

The Auto Theft Team comprises 2.0 FTE positions, which are funded by a grant through the Colorado Auto Theft Prevention Authority (CATPA). The Auto Theft Team provides investigative and prosecutorial resources for combating complex statewide crimes which center on automobile theft. The general goals of the Auto Theft Team are: (a) to utilize the State Grand Jury, search warrants, and other criminal investigative tools to investigate potential complex multi-jurisdictional automobile centered cases; (b) to vigorously prosecute defendants under applicable Colorado statutes and obtain criminal convictions, incarceration of offenders where appropriate, to seek restitution, fines, and penalties; and, (c) to protect consumers and to minimize losses through the deterrent effect of prosecuting violators.

6. Violent Crime Assistance Team

The Violent Crime Assistance Team (VCAT) is a two-attorney, one-investigator unit. VCAT was created by the Legislature in fiscal year 1994-1995 to assist District Attorneys by providing additional investigative and prosecutorial resources in their active, cold-case, and death-penalty-eligible homicides and to more effectively analyze and prosecute these cases. In addition to providing legal assistance in the prosecution of cases, the Unit has provided investigator assistance as well. VCAT's workload is dictated by the incidence of homicides, as well as District Attorney requests for assistance in other, complex violent crime cases.

The team has handled capital appeals in both the state and federal appellate courts, and post-conviction proceedings involving death row inmates. VCAT has performed a primary role in responding to legal and logistical needs during the execution process and is the only prosecutorial entity in Colorado, which provides expertise on capital cases from initial investigation through execution.

The VCAT attorneys and investigator only become involved in a case upon the request of the local District Attorney and the approval of the Attorney General. As anticipated, requests by state prosecutors to VCAT for consultation or other assistance was greater than the assistance that could be provided.

II) PRIOR YEAR LEGISLATION

- 1) N/A

III) HOT ISSUES:

- 1) In early 2008, Governor Ritter ordered the Criminal Justice Section to undertake the investigation of the 1987 murder of Peggy Hettrick. This office is now tasked with a renewed investigation of that murder. Apart from the resources required to rework the entire investigation from the beginning in an effort to objectively consider all of the available evidence, the advent of modern DNA procedures and the costs associated with that science are significant factors in this renewed effort to solve this crime. One of the key developments in 2011 was that the Office of the Attorney General was able to announce that Timothy Masters was exonerated because a review of all of the available led this office to conclude that Mr. Masters had no role in the homicide of the Ms. Hettrick. This investigation continues to be a highly intensive effort that is using significant amounts of office resources and personnel time.

- 2) Through a joint effort with the Attorney General's Insurance Fraud Unit, Mikel Mewbourn and five codefendants were indicted by the statewide grand jury in March of 2011 on charges ranging from theft and motor vehicle theft to violations of

the Colorado Organized Crime Control Act. The charges were the result of a lengthy investigation into several years of criminal activity. Mewbourn was the orchestrating force behind a series of schemes to defraud several insurance companies for staged automobile accidents, staged motor vehicle thefts, and intentionally manufactured property damage. Insurance companies paid approximately \$280,000 on fraudulent claims and had several remaining unresolved when the indictment was filed. These cases were successfully prosecuted in Arapahoe District Court during FY 2011-2012.

IV) WORKLOAD MEASURE:

WORKLOAD INDICATORS

1. Complex Crimes

Objective: To utilize the Statewide Grand Jury to a greater extent and obtain at least 10 felony indictments.

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
Grand Jury investigations initiated in FY. (individuals)		93	101	100	100
Indictments obtained in FY (individuals)		47	68	70	70

Objective: To open 40 new investigation files, file 25 new cases in court and obtain at least 15 felony convictions.

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
Total new investigations opened (individual)		120	120	120	120
Total new cases filed (individuals)		81	94	95	95
Felony convictions obtained		101*	72	75	75
Misdemeanor convictions obtained		2	8	6	6
Cases Closed		110	76	80	80

***Numbers for felony convictions may appear higher due to cases being filed in the prior fiscal year.**

Objective: To obtain restitution, fines and cost recoveries in appropriate cases.

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
Fines, costs and restitution ordered.		\$4,195,039.40	\$1,096,284.70	\$2,000,000	\$2,000,000

Objective: To participate in multi-jurisdictional case-driven task forces and information exchanging work groups.

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
Intergovernmental Cooperation		15	10	12	12

Objective: To continue in multi-jurisdiction case-driven task forces and information exchanging work groups.

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
Training sessions given.		33	26	30	30

2. Environmental Crimes Unit

Objective: Maintain the effort of the Environmental Crimes Prosecution Unit to work in collaborative effort with local law enforcement, local emergency response personnel, District Attorneys, the Colorado Department of Public Health and Environment and the US Environmental Protection Agency.

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
Obtain federal funding and/or federal support as part of a cooperative state/federal criminal enforcement effort to combat environmental crimes within the borders of the State of Colorado		Yes	Yes	Yes	Yes

Objective: To enforce compliance with existing environmental laws and regulations through investigation and prosecution of environmental crimes.

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
New investigations opened		30	28	30	30
New cases filed		10	14	15	15
Felony convictions		5	9	10	10
Cases closed		7	24	25	25
Jury trials		0	1		
Court trials		0	0		

Objective: To increase the State of Colorado's participation in cohesive state and federal effort to combat environmental crimes.

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
Increase membership participation in state/federal task forces and unified state environmental programs		4	4	4	4

Objective: To increase awareness of environmental criminal activity within the State of Colorado by conducting statewide training.

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
Conduct local/state/federal awareness training to entities concerned with Colorado's environment		14	11	12	12

3. Gang Prosecution Unit*

Objective: To prosecute gang members, with the State Grand Jury, for multi-jurisdictional criminal activities.

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
Gang members investigated		87	106	100	100
Gang members indicted		55	92	90	90
Felony convictions obtained for gang members		66	43	50	50
Number of years of Department of Corrections**		35	204	200	200
Trials		1	0		

* A "Gang" means a group of three or more individuals with a common interest or bond and whose activity is characterized by criminal or delinquent conduct.

** The timing of individual being convicted of a felony usually does not occur at the same time that the individual is sentenced. For example, if a defendant is convicted of a felony crime in May or June (end of a Fiscal Year) then the sentence will likely be imposed during the beginning of the next Fiscal Year. Therefore, the number of years in the Department of Corrections that will be imposed by trial courts for offenders who plead guilty in that later part of FY 12 will likely be higher in the FY 13 report.

4. Foreign Prosecution

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
Active Cases		12		14	14
Article IV cases filed in Mexico		2		2	2
Extraditions/assists		9		12	12

5. Auto Theft

Workload Measures		Actual FY11	Actual FY12	Estimate FY13	Request FY14
Measure 1.1 Criminal Investigations Opened (Individuals)	Target	3	3	4	4
	Actual	4	3		
Measure 1.2. Criminal Cases Filed (Individuals)		11	8	10	10
Measure 1.3 Jury trials		0	1	2	3
Measure 1.4 Convictions Obtained		0	9	10	13
Measure 1.4 Restitution Ordered	Target				
	Actual	\$0.00	\$321,243		
Measure 1.6 Publicize Prosecutions	Target	3	3	4	4
	Actual	1	3		

6. Violent Crime Assistance Team

Objectives: The objective of the Unit is to assist local District Attorneys in the investigation, evaluation, and prosecution of homicides and serious violent crimes. If the death penalty is sought, the prompt and effective assistance to the local District Attorney in filing and arguing motions, and trying cases, as requested by the local jurisdiction.

Workload Measure		FY 10 Actual	FY 11 Actual	FY 12 Actual	FY 13 Estimate
Cold Case and Active Homicide/Serious Violent Crime Assistance		13	7	7	15
Death Penalty Case Assistance		3	4	6	3

I) BACKGROUND INFORMATION: INSURANCE FRAUD UNIT

The Insurance Fraud Unit is funded by an industry assessment through the Division of Insurance of the Colorado Department of Regulatory Agencies. The Insurance Fraud Unit provides investigative and prosecutorial resources for combating insurance fraud statewide. The general goals of the Insurance Fraud Program are: (a) to utilize the State Grand Jury, search warrants, and other criminal investigative tools to investigate potential insurance fraud cases; (b) to vigorously prosecute defendants under applicable Colorado statutes and obtain criminal convictions, incarceration of offenders where appropriate, to seek restitution, fines, and penalties; and, (c) to protect consumers and to minimize losses through the deterrent effect of prosecuting violators.

The cases handled by the Unit embrace the entire spectrum of insurance fraud, including, but not limited to: insurance agent fraud; claimant fraud; bail bondsman violations; workers compensation fraud; and false claims of casualty and property loss.

II) PRIOR YEAR LEGISLATION

SB 12-110 modified the fee structure for insurance fraud by providing a tiered fee based on the amount of business each insurance registrant conducts in the state. Additionally, this bill appropriated 2.0 additional FTE to bolster the Department's insurance fraud efforts and administratively allows the department to bring the 2.5 FTE dedicated to Worker's Compensation Fraud cases traditionally focused on Pinnacol cases to prioritize cases and workload on behalf of the entire state insurance industry.

III) HOT ISSUES

Major fraud cases

Through a joint effort with the Attorney General's Auto Theft Unit, the Colorado Attorney General's office shut down an insurance-fraud ring that defrauded insurance companies using staged automobile accidents and other fraudulent insurance claims. Mikel Mewbourn and five codefendants were indicted by the statewide grand jury in March of 2011 on charges ranging from theft and motor vehicle theft to violations of the Colorado Organized Crime Control Act.

Mewbourn was the orchestrating force behind a series of schemes to defraud several insurance companies for staged automobile accidents, staged motor vehicle thefts, and intentionally manufacturing property damage. Insurance companies paid approximately \$280,000 on fraudulent claims and had several remaining unresolved claims when the indictment was filed.

Mewbourn, along with 2 of the codefendants, was charged with violating the Colorado Organized Crime Control Act, a class-two felony. Mewbourn pled guilty to COCCA on November 8, 2011 and was sentenced to 20 years in the Department of Corrections on May 9, 2012 in Arapahoe County District Court and ordered to pay \$280,261.78 in restitution. One of his codefendants, James Esquibel, was found guilty of all counts charged against him after a jury trial in March of 2012 in Arapahoe County and he was sentenced to 4 years probation and ordered to pay \$30,459.91 in restitution.

In the past few fiscal years, the Unit has seen an increase in the number of staged accidents of motor vehicles. The Unit has been attempting to coordinate investigation of staged accident rings with the dozens of insurance companies affected. By working with the National Insurance Crime Bureau, the Unit has been attempting to follow patterns of crime that have not been noticed by the individual insurance companies because the losses have been so spread out among different companies.

More recently, the Unit is seeing an increase in referrals relating to agent fraud. The Unit will take an aggressive stance toward those in the industry who are defrauding consumers.

The Unit received 839 referrals from insurers in FY10, 575 in FY11 and 751 referrals in FY 12. The vast majority of these referrals were submitted for reporting purposes only as insufficient evidence existed to prosecute. The Unit's paralegal and investigators meet throughout the year with the insurers' Special Investigation Units to answer questions and give suggestions on presenting claims for prosecution.

IV) WORKLOAD MEASURE:

WORKLOAD INDICATORS

Workload Measures		Actual FY11	Actual FY12	Estimate FY13*	Request FY14*
Measure 1.1 Criminal Investigation Opened	Target	60	80	80	80
	Actual	81	74		
Measure 1.2. Criminal Cases Filed	Target	30	20	28	33
	Actual	19	20		
Measure 1.3 Jury trials	Target	2	2	2	2
	Actual	0	1		
Measure 1.4 Convictions Obtained	Target	22	22	22	22
	Actual	13	28	30	
Measure 1.4 Restitution Ordered	Target	\$450,000	\$450,000	\$450,000	\$450,000
	Actual	\$164,386	\$648,347		
Measure 1.6 Publicize convictions obtained	Target	5	5	5	5
	Actual	3	3		

*Estimates include future Worker's Compensation investigations, cases filed and convictions obtained.

Performance Measures

1. Complex and/or multi-jurisdictional fraud investigations and prosecutions

Objective: To conduct a statewide program for investigating and prosecuting violations of applicable state laws pertaining to fraud relating to insurance which local jurisdictions would be unable to effectively handle.

Performance Measures		Actual FY11	Actual FY12	Estimate FY13	Request FY14
Measure 1.1 Investigate multi-jurisdictional insurance fraud cases in the grand jury, and obtain indictment where appropriate.	Target	4	4	4	4
	Actual	2	0		
Measure 1.2. Restitution actually collected pursuant to court order	Target	\$100,000	\$100,000	100,000	100,000
	Actual	\$92,872	\$209,063		

Strategy: The Unit receives referrals from numerous sources. Fraud referrals often require substantial investigation, and some investigations take months or years. Many of the fraud referrals, once investigated, do not result in criminal charges. This is due to various reasons including lack of provable criminal intent, and inconsistencies or vagueness of applicable rules.

The Unit endeavors to be as quick and responsive as possible in reviewing referrals, opening investigations, and bringing cases through the court system. When cases are not appropriate for investigation, the Unit occasionally refers them to other agencies or informs the referring entity or person of alternative avenues that may allow their concerns to be addressed.

While the Unit did not have any grand jury cases in FY 12, it is anticipated that there will be a couple in FY 13. Due to the complexity of cases taken to the grand jury, and the time frame of when the grand jury is available, the timing did not work out this year to make appropriate use of the grand jury.

Evaluation of Prior Year Performance: The significant increase in restitution ordered helps illustrate that the Unit is meeting the goal of prosecuting more serious cases.

Key Workload Indicators: Workload indicators are consistent with the results in the Performance Measure table. Indicators show that the Unit has the ability to handle both routine cases and the more complex cases that are highly demanding of employee time.

2. Case openings, assignments, and processing

Objective: To quickly process referrals once they are received in Unit and, after initial review, continue the procedure of assigning the responsibility of each case to a team of at least one investigator and one prosecutor, and holding periodic status meetings and preparing reports on each case.

Performance Measures		Actual FY11	Actual FY12	Estimate FY13	Request FY14
Measure 2.1 Assign an investigator and attorney at the time of case opening	Target	60	80	80	80
	Actual	81	74		
Measure 2.2 Update case status reports monthly and provide reports to Division of Insurance	Target	12	12	12	12
	Actual	12	12		

Strategy: As the Unit's case load has varied in simple to more complex cases, it has become increasingly important for the Unit to promptly assign cases to the assigned investigators and attorneys, and to monitor and assess the progress of each case on at least a quarterly basis.

Evaluation of Prior Year Performance: Assignments and monitoring have proceeded according to the standards set, and this has assisted the Unit in keeping its cases progressing satisfactorily.

Key Workload Indicators: Workload indicators are consistent with the results in the Performance Measure table.

Worker's Compensation

The primary function of the Workers' Compensation Fraud Unit is to provide investigative and prosecutorial expertise for statewide law enforcement efforts against employees and employers who perpetrate workers' compensation fraud on the Colorado Compensation Insurance Authority d/b/a Pinnacol Assurance. Cases are acted upon after the Special Investigation Unit at Pinnacol completes an initial investigation of possibly criminal behavior and refers the case to the Attorney General's Office for potential prosecution. The Workers' Compensation Fraud Unit reviews the case, performs additional investigation where necessary, and files appropriate criminal charges if warranted.

There are various types of workers' compensation fraud, including individuals who falsely claim injuries, individuals who are actually working while collecting benefits, individuals who are malingering in their injuries, subcontractors who falsely document having the required workers' compensation insurance and businesses which misrepresent the scope and nature of their business operations to avoid higher insurance premiums.

Due to SB 12-110 this traditional unit will be tracked and reported on through the Insurance Fraud Unit. SB 12-110 better aligned revenue streams with work priorities, allowing this move.

Objective: To utilize the state grand jury, search warrants, audits and other criminal investigative tools to investigate potential worker's compensation fraud cases including, but not limited to: false statement to obtain worker's compensation benefits, forgery, theft, perjury and offering a false instrument for recording.

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
Conduct investigations and increase the number of cases referred	Target	16	16	Included in estimates in Insurance	Included in estimates in Insurance
	Actual	15	9		
To decrease the number of cases declined	Target	3	3		
	Actual	2	2		

Objective: To vigorously prosecute defendants under applicable Colorado statutes and obtain criminal convictions, jail sentences, restitution, fines and penalties.

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
To increase the number of active filed cases	Target				
	Actual	9	5		
To obtain orders for restitution cost savings and fines	Target				
	Actual	10	4		
To obtain orders for restitution cost savings and fines	Target				
	Actual	\$433,784.00	\$186,371.74		
To bring at least one case to trial	Target				
	Actual	0	0		

Objective: To reduce the loss of revenues to the State Compensation Insurance Authority resulting from fraud by employers through the deterrent effect of prosecuting violators.

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
To increase the number of cases of fraud by employers	Target				
	Actual	3	0		

Objective: To reduce the victimization of employees who may be injured while working for non-complying employers and who consequently do not receive benefits they would be entitled to through the deterrent effect of prosecuting violators.

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
To increase the number of cases of intentional false representation of employers	Target				
	Actual	3	4		

Objectives: To create a more equitable business environment for law-abiding employers who are injured as a result of the unfair competition created by those employers whose business costs do not include the payment of premiums.

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
To increase the number of cases of false certificate of insurance cases	Target				
	Actual	2	1		

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
Number of case referrals	Target				
	Actual	13	9		
Number of active investigations increased	Target				
	Actual	15	9		
Number of filed cases increased	Target				
	Actual	9	5		

Instead of straight deferrals, cases are not staffed prior to referral to achieve better quality cases for prosecution and to reduce declinations. This has resulted in a significant reduction in the number of cases referred to us by Pinnacol Assurance.

I) BACKGROUND INFORMATION: SECURITIES FRAUD UNIT

The Securities Fraud Unit comprises 5.5 FTE positions, which are funded by an industry assessment through the Division of Securities of the Colorado Department of Regulatory Agencies. The Attorney General's Office has original jurisdiction to both investigate and prosecute crime relating to securities, and the Securities Fraud Unit provides investigative and prosecutorial resources for combating securities fraud statewide. The general goals of the Securities Fraud Program are: (a) to utilize the State Grand Jury, search warrants, and other criminal investigative tools to investigate potential Securities fraud cases; (b) to vigorously prosecute defendants under applicable Colorado statutes and obtain criminal convictions, incarceration of offenders where appropriate, to seek restitution, fines, and penalties; and (c) to protect consumers and to minimize losses through the deterrent effect of prosecuting violators. The Unit also strives to assist and support other agencies in investigating and prosecuting securities fraud violations.

The cases handled by the Unit generally involve the prosecution of individuals who solicit and receive investor money for investment schemes that are not regulated. Often times these schemes target groups of people such as the elderly or church members who either know or know of the person soliciting their money. Many of these cases are "Ponzi" schemes, where earlier investors are paid returns with the contributions of later investors to maintain a façade of success and legitimacy.

II) PRIOR YEAR LEGISLATION

The Securities Fraud Unit did not sponsor or promote any legislation in FY 2011-2012.

III) HOT ISSUES

Major fraud cases:

Phillip Trujillo raised just over \$6 million dollars between April 2007 and October of 2009 for investment in his "PTV" and other entities. Trujillo routinely promised individuals that the principal of their investment would remain secure. However, he failed to tell investors that he used the bulk of investor monies to fund unsecured promissory notes, including at least one instance to a company in which he had an ownership interest. Trujillo also failed to inform his investors that he was personally borrowing money from the PTV funds. In May 2010, the State Grand Jury indicted Trujillo, charging him with six counts of Securities Fraud and one count of Theft. A Larimer County jury found him guilty of all but one count of Securities Fraud at trial in January

of 2012. On March 7, 2012, Trujillo was sentenced to twelve years in the Department of Corrections – 4 years on each of three Securities Fraud counts to be served consecutively and 4 years on each of the remaining three counts to be served concurrently. He owes over \$4.8 million dollars in restitution to sixty-six victims. Trujillo's conviction is his first.

The State Grand Jury charged **Richard Novaria** (and co-defendant Jeremy Hart) with twenty-nine counts of Securities Fraud and one count of Theft in May 2010. The indictment, filed in Larimer County, stems from the defendants' solicitation during the period of July 2006 through May 2008 from investors in Novaria's Dreamweaver Foundation. Investors were told their money was going to real estate, small business loans, bank products and bond funds. Promised high rates of return and given unsecured promissory notes as evidence of their investment, investors were never told of any risks or that their money was used to pay back early investors and to cover some of Novaria's personal expenses. A first-time offender, Novaria pleaded guilty to one count of Securities Fraud in February 2012. He was sentenced on April 9, 2012 to eight years in the Department of Corrections. He owes almost \$3.5 million dollars in restitution to thirty-three victims.

This Unit has especially benefitted by the addition of a forensic auditor to aid in both the investigation and prosecution of securities fraud. The Unit can now move faster on investigating cases with the added expertise of the auditor to help both investigate and to explain how money was used.

IV) WORKLOAD MEASURE:

WORKLOAD INDICATORS

Workload Measures		Actual FY 11	Actual FY12	Estimate FY13	Request FY14
Measure 1.1 Criminal Investigations Opened	Target	12	12	8	8
	Actual	6	6		
Measure 1.2. Criminal Cases Filed	Target	10	12	10	10
	Actual	4	8		
Measure 1.3 Jury trials	Target	2	2	2	2
	Actual	0	1		

Measure 14. Convictions Obtained	Target	10	10	10	10
	Actual	8	6		
Measure 1.5. Restitution Ordered	Target	\$4,000,000	\$5,000,000	\$5,000,0000	\$5,000,000
	Actual	\$20,680,887	\$11,023,182		
Measure 1.6. Media items published	Target	12	15	15	15
	Actual	24	17		

Statistics kept by the Unit indicate that the workload of the Unit is changing in some degree toward a trend of investigating and prosecuting fewer, but larger, or more significant cases. This trend is most obvious in the "Restitution Ordered" measure in the above table. The Unit's new restitution orders were made on behalf of 127 victims this year.

PERFORMANCE MEASURES

1. Complex and/or multi-jurisdictional fraud investigations and prosecutions

Objective: To conduct a statewide program for investigating and prosecuting violations of applicable state laws pertaining to securities fraud which local jurisdictions would be unable to effectively handle.

Performance Measures		Actual FY 11	Actual FY12	Estimate FY13	Request FY14
Measure 1.1 Investigate multi-jurisdictional Securities fraud cases in the grand jury, and obtain indictment where appropriate.	Target	8	6	6	6
	Actual	3	7		
Measure 1.2. Restitution actually collected pursuant to court order	Target	\$150,000	\$250,000	\$250,000	\$250,000
	Actual	\$394,821	\$182,928		

Strategy: The Unit receives referrals from numerous sources. The Division of Securities refers approximately 50% of the Unit's cases to our office. Private attorneys, law enforcement and private citizens also refer cases to the Unit. Fraud referrals often require substantial investigation, and most investigations take months or years. Some of the fraud referrals, once investigated, do not result in criminal charges. This is due to various reasons, including lack of provable criminal intent, inconsistencies or uncooperative victims and witnesses, or statute of limitations problems when cases are brought to our attention years after the criminal behavior. The Unit had 103 referrals for the year.

Evaluation of Prior Year Performance: The unit's numbers were fairly similar for the past two years; while the case numbers are low, the sentences and restitution figures reflect the complexity and size of the cases prosecuted. Additionally, Colorado victims across the Front Range are well represented in that cases prosecuted this year involve Larimer, Arapahoe, Adams, Jefferson, Douglas and El Paso counties.

Key Workload Indicators: Workload indicators are consistent with the results in the Performance Measure table. Indicators show that the Unit has the ability to handle the more complex cases that are highly demanding of employee time.

2. Case openings, assignments, and processing

Objective: To quickly process referrals once they are received in Unit and, after initial review, continue the procedure of assigning the responsibility of each case to a team of at least one investigator and one prosecutor, and holding periodic status meetings and preparing reports on each case.

Performance Measures		Actual FY11	Actual FY12	Estimate FY13	Request FY14
Measure 2.1 Assign an investigator and attorney at the time of case opening	Target	12	12	8	8
	Actual	6	6		
Measure 2.2 Update case status reports monthly and provide reports to Division of Securities	Target	12	12	12	12
	Actual	12	12		

Strategy: As the Unit's case load and referrals is often fluctuating, monthly reports are created and sent to the Division of Securities and the Unit meets routinely to discuss ongoing investigations and cases to ensure cases keep moving forward.

Evaluation of Prior Year Performance: The Unit did not receive as many referrals this fiscal year, from either the Division of Securities or from other sources.

Key Workload Indicators: Workload indicators are consistent with the results in the Performance Measure table.

SCHEDULE 2 - PROGRAM SUMMARY

Department of Law		SPECIAL PROSECUTIONS UNIT									
Item	Actual FY 11		Actual FY 12		Approp FY 13		Estimate FY 13		Request FY 14		
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
SPECIAL PROSECUTIONS UNIT											
General Fund	3,130,538	28.5	3,302,077	29.6	3,013,205	32.5	3,515,355	32.5	3,293,690	34.4	
General Fund Exempt	1,741,166		1,628,331		1,391,287		1,631,046		1,602,520		
Cash Funds	-		-		-		-		-		
Reappropriated Funds	942,404		1,025,052		1,067,153		1,238,657		1,092,567		
	446,968		648,694		554,765		645,651		598,602		

SCHEDULE 3 - PROGRAM DETAIL

Department of Law		SPECIAL PROSECUTIONS UNIT									
Item	Actual FY 11		Actual FY 12		Approp. FY 13		Estimate FY 13		Request FY 14		
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
I. POSITION DETAIL											
Deputy Attorney General	121,075	1.0	124,728	1.0			124,728	1.0	124,728	1.0	
First Assistant Attorney General	211,164	2.0	211,164	2.0			207,024	2.0	207,024	2.0	
Senior Assistant Attorney General	719,532	7.8	648,387	7.0			566,244	6.0	566,244	6.0	
Assistant Attorney General	98,976	1.2	175,980	2.0			341,004	4.0	341,004	4.0	
Criminal Investigator II	803,214	10.2	848,887	10.8			884,652	11.7	884,652	11.7	
Criminal Investigator III	88,200	1.0	88,200	1.0			88,200	1.0	88,200	1.0	
Legal Assistant I	99,854	2.2	131,794	2.8			153,693	3.3	153,693	3.3	
Legal Assistant II	55,776	1.0	55,561	1.0			55,776	1.0	55,776	1.0	
Auditor IV	55,494	0.8	78,000	1.0			78,000	1.0	78,000	1.0	
Program Assistant I	19,840	0.4							0	0.0	
Administrative Assistant III	39,711	1.0	48,780	1.0			84,048	1.5	84,048	1.5	
Administrative Assistant II											
TOTAL POSITION DETAIL	2,312,836	28.5	2,411,480	29.6			2,583,369	32.5	2,583,369	32.5	
(I.A.) CONTINUATION FTE SALARY COSTS											
(Permanent FTE by Position)	2,312,836	28.5	2,411,480	29.6			2,583,369	32.5	2,583,369	32.5	
Continuation Salary Subtotal											
(I.B.) OTHER PERSONAL SERVICES											
PERA on Continuation Subtotal	176,223		180,281				262,212		262,212		
Medicare on Continuation Subtotal	31,664		32,615				37,459		37,459		
Non-Base Building Performance Awards											
Part-Time/Temporary Salaries	2,987		653								
Contractual Services	16,972		20,950				15,525		15,525		
Furloughs	-		-								
Leave	5,788		31,377								
Forced Vacancy											
Overtime	-		3,335				(105,236)		(72,274)		
Unemployment Compensation			12,714								
Other	10,292		2,665								
SUBTOTAL	243,926	28.5	284,589	29.6			209,960	32.5	242,922	32.5	
(I.C.) PERSONAL SERVICES SUBTOTAL= A+B											
	2,556,762		2,696,070				2,793,329		2,826,291		
(I.D.) POTS EXPENDITURES											
Health/Life Dental	134,860		170,051				207,210				

SCHEDULE 3 - PROGRAM DETAIL

Department of Law	Item	SPECIAL PROSECUTIONS UNIT									
		Actual FY 11		Actual FY 12		Approp. FY 13		Estimate FY 13		Request FY 14	
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Salary Survey											
Performance Awards											
Short Term Disability											
SB 04.257 A.E.D.		3,898		4,234				-			
SB 06.235 S.A.E.D.		53,815		65,982				4,573			
Other		39,211		53,044				82,668			
	[] Indicates a Non-add							71,043			
(I.E.) BASE PERSONAL SERVICES TOTAL=											
C+D											
General Fund		2,788,547	28.5	2,989,380	29.6			3,158,823	32.5	2,826,291	32.5
Cash Funds											
Reappropriated Funds		1,579,211		1,457,109				1,449,836			
		811,197		927,107				1,125,210			
		398,140		605,164				583,776			
(I.F.) DIFFERENCE= II-I.E.											
(I.G.) REQUEST YEAR DECISION ITEMS											
FY14 Decision Items											
General Fund										256,676	1.9
Cash Funds										178,188	1.3
Reappropriated Funds										39,244	0.3
										39,244	0.3
II. PERSONAL SERVICE REQUEST											
TOTAL		2,788,547	28.5	2,989,380	29.6			3,158,823	32.5	3,082,967	34.4
General Fund		1,579,211		1,457,109				1,449,836		1,458,603	
Cash Funds		811,197		927,107				1,125,210		1,059,117	
Reappropriated Funds		398,140		605,164				583,776		565,247	
Federal Funds											

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law		SPECIAL PROSECUTIONS UNIT									
Item	Actual FY 11		Actual FY 12		Appropri FY 13		Estimate FY 13		Request FY 14		
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
OPERATING EXPENSES											
1930 Litigation	9,605		8,856				13,258		13,258		
2150 Custodial Services	-		-								
2160 Janitorial Service	-		-						10		
2170 Waste Disposal Services	-		-								
2210 Bldg Maintenance/Repair Svcs	-		-								
2220 Building Grounds Maintenance	-		-								
2230 Equipment Contract Maintenance	657		50				20		20		
2231 ADP Equip Maint/Repair Services	5,172		6,949				5,700		5,700		
2232 Software Upgrades	9,813		9,458				-		-		
2240 Motor Veh Maint/Repair Svcs	-		-								
2251 Lease Motor Pool Vehicle	25,016		24,137				27,456		27,456		
2252 Motor Pool Mileage Charge	20,143		25,947				-		-		
2253 Equipment Rental	-		-								
2254 Rental of Motor Vehicles	-		-								
2255 Rental of Buildings	96,164		94,244				-		-		
2258 Parking Fees	11,040		12,375				13,375		13,375		
2259 Parking Fee Reimbursement	-		60								
2510 In State Travel	169		4				150		150		
2511 In State Common Carrier Fares	795		-				-		-		
2512 IS Personal Travel Per Diem	15,496		12,374				16,541		16,541		
2513 IS Personal Vehicle Reimbursement	375		236				150		150		
2520 IS Travel/Non Employee	-		-								
2521 IS Common Carrier Non Employee	-		-								
2522 IS Non-Emp - Pers Per Diem	-		-								
2523 IS/Non-Emp - Pers Veh Reimb	-		-								
2530 Out of State Travel	1,093		205				179		179		
2531 OS Common Carrier Fares	5,051		885				980		980		
2532 OS Personal Travel Per Diem	5,121		2,117				3,150		3,150		
2533 OS Personal Vehicle Reimbursement	-		-								
2540 OS Travel Non-Employee	-		-								
2541 OS Non Emp Common Carrier Fares	-		-								
2542 OS/Non Emp - Pers Per Diem	-		-								
2550 Out of Country Travel	40		148				-		-		
2551 Out of Country Common Carrier Fares	476		2,396				750		750		
2552 OC Pers Travel Reimbursement	706		2,193				561		561		
2610 Advertising	-		-				-		-		
2630 Telephone	21,918		22,386				21,541		21,541		
2631 Comm Svcs from Outside Sources	8,792		10,466				10,990		10,990		
2641 Other ADP Billings - Purchase Services	6,512		9,116				9,412		9,412		
2650 OIT Purchased Svcs	6		-								
2660 Insurance	3,965		5,037								

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

SPECIAL PROSECUTIONS UNIT

Item	Actual FY 11		Actual FY 12		Appropriation FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
2680 Contract Printing	-	-	676	-	-	-	-	-	-	-
2681 Photocopy Reimbursement	-	-	-	-	-	-	-	-	-	-
2710 Purchase Medical Services	46	-	-	-	-	-	-	-	-	-
2810 Freight & Storage	-	-	-	-	-	-	-	-	-	-
2820 Other Purchased Services	1,462	-	10	-	-	-	320	-	320	-
2830 Office Moving/Purchased Services	-	-	-	-	-	-	-	-	-	-
2831 Storage Purch Svcs	13	-	84	-	-	-	-	-	-	-
3110 Other Supplies and Materials	-	-	-	-	-	-	-	-	-	-
3112 Automotive Supplies	21	-	-	-	-	-	-	-	-	-
3113 Clothing and Uniform Allowance	-	-	-	-	-	-	-	-	-	-
3114 Custodial	-	-	-	-	-	-	-	-	-	-
3115 DP Supplies	-	-	410	-	-	-	-	-	-	-
3116 Purchase/Leased Software	1,225	-	542	-	-	-	600	-	600	-
3117 Educational	2,592	-	2,256	-	-	-	2,532	-	2,532	-
3120 Books & Subscriptions	7,030	-	12,759	-	-	-	9,629	-	9,629	-
3121 Office Supplies	5,006	-	1,588	-	-	-	4,215	-	4,215	-
3122 Microfilming/Photo. Supplies	1,558	-	-	-	-	-	-	-	-	-
3123 Postage	2,675	-	2,884	-	-	-	2,850	-	2,850	-
3124 Printing	-	-	29	-	-	-	-	-	-	-
3126 Repair & Maintenance/Supplies	-	-	-	-	-	-	-	-	-	-
3128 Non-Capitalized Equipment	26,644	-	8,111	-	-	-	-	-	-	-
3131 Non-Capitalized Building Mat'l's	-	-	-	-	-	-	-	-	-	-
3132 Non-Cap Office Furn/Office Systems	1,505	-	1,223	-	-	-	7,996	-	7,996	-
3140 Non-Capitalized IT - PC's	6,429	-	2,039	-	-	-	4,659	-	4,659	-
3141 Non Capitalized IT Servers	1,398	-	-	-	-	-	-	-	-	-
3143 Non-Capitalized IT - Other	1,993	-	332	-	-	-	-	-	-	-
3146 Non Capitalized IT	1,437	-	-	-	-	-	-	-	-	-
3940 Electricity	-	-	-	-	-	-	-	-	-	-
3950 Gasoline	-	-	-	-	-	-	-	-	-	-
4100 Other Operating Expenses	-	-	-	-	-	-	-	-	-	-
4140 Dues & Memberships	16,944	-	21,498	-	-	-	17,250	-	17,250	-
4151 Interest Late Payments	-	-	-	-	-	-	-	-	-	-
4170 Miscellaneous Fees	-	-	-	-	-	-	-	-	-	-
4180 Official Functions	629	-	309	-	-	-	200	-	200	-
4111 Prizes and Awards	1,300	-	2,750	-	-	-	1,250	-	1,250	-
4220 Registration Fees	4,107	-	5,557	-	-	-	5,424	-	5,424	-
6140 Buildings and Improves. to Bldg.	-	-	-	-	-	-	-	-	-	-
6210 Other Capital Equipment	-	-	-	-	-	-	-	-	-	-
6212 IT Servers - Direct Purchase	2,660	-	-	-	-	-	-	-	-	-
6213 IT PC SW - Direct Purchase	-	-	-	-	-	-	-	-	-	-
6214 IT Other Direct Purchase	1,592	-	-	-	-	-	5,768	-	5,768	-
6280 Other Cap Equipment Direct Purchase	5,595	-	-	-	-	-	-	-	-	-

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law		SPECIAL PROSECUTIONS UNIT					
Item	Actual FY 11 Total Funds	Actual FY 12 Total Funds	Appropriated FY 13 Total Funds	Estimate FY 13 Total Funds	Request FY 14 Total Funds	FTE	
Operating Expense Subtotal:	341,991	312,697		186,915	168,492		
FY14 DECISION ITEMS							
Total Funds							
General Fund					42,230	0.0	
Cash Funds					33,044	0	
Cash Funds Exempt					4,593		
					4,593		
OPERATING EXPENSE TOTAL:							
General Fund	341,991	312,697		186,915	210,723		
General Funds Exempt	161,955	171,222		110,873	143,917		
Cash Funds	131,207	97,945		47,280	33,450		
Reappropriated Funds	48,828	43,530		28,762	33,355		
Potted Operating Expenses							
Workers' Compensation				5,389			
Vehicle Leased Expense				24,478			
Capital Complex Lease Space				93,199			
Lease Space				2,907			
IT Asset Maintenance				23,222			
ADP Capital Outlay				-			
Communication Service Payments				5,590			
Building Security				10,332			
CLE Registration Fees				4,500			
Total				169,617			
General Fund				70,337			
Cash Funds				66,167			
Reappropriated Funds				33,113			
				-			
				-			
				-			
ROLLFORWARDS							
General Fund							
Cash Funds							
Reappropriated Funds							
REFINANCING THE LINE ITEM							
General Fund							
General Fund Exempt							
Cash Funds							
Cash Funds Exempt							

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

Item	Actual FY 11		Actual FY 12		Appropriation FY 13		Estimate FY 13		Request FY 14		SPECIAL PROSECUTIONS UNIT
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
TOTAL SPECIAL PROSECUTIONS UNIT	3,130,538	28.5	3,302,077	29.6			3,515,355	32.5	3,293,690	34.4	
General Fund	1,741,166		1,628,331				1,631,046		1,602,520		
General Fund Exempt	-		-				-		-		
Cash Funds	942,404		1,025,052				1,238,657		1,092,567		
Reappropriated Funds	446,968		648,694				645,651		598,602		
RECONCILIATION OF FUNDS											
Long Bill Appropriation											
SB 11-76 PERA Adjustment											
SB 12-110											
SB 12-110 Annualization											
Long Bill Add On											
FY 14 Decision Item											
Salary Survey-Classified											
PBP - Classified											
Salary Survey Exempt											
PBP - Exempt											
OSPB .2% Base Reduction											
Supplemental SB09-192											
Supplemental HB 10-1305											
Salary POTS											
Health/Life/Dental	101,188		129,753				183,922				
Short Term Disability	3,601		4,103				3,802				
SB 04.257 A.E.D.	55,851		64,576				77,975				
SB 06.235 S.A.E.D.	39,824		51,695				66,834				
Worker's Compensation	3,965		6,439				5,389				
Capital Complex Lease Space	97,627		182,711				93,199				
Lease Space	2,742		2,742				2,907				
Vehicle Lease Allocation	27,237		24,638				24,478				
IT Asset Maintenance	21,745		21,745				23,222				
ADP Capital Outlay Allocation							-				
Communication Service Payments	4,224		4,553				5,590				
Building Security	9,422		9,451				10,332				
CLE Registration Fees	3,750		3,750				4,500				
Roll Forward from Previous FY											
Rollforward to Subsequent FY											
Overexpenditure/(Reversion) - GF	(7,625)			(0.9)							

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

SPECIAL PROSECUTIONS UNIT

Item	Actual FY 11		Actual FY 12		Appropri FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Lapsed Appropriation Cash Fund	(77,978)	(2.5)	(8,148)	(0.5)						
Lapsed Appropriation Reappropriated Funds	(1)		(10)							
TOTAL RECONCILIATION	3,130,538	28.5	3,302,077	29.6			3,515,355	32.5	3,293,689	34.4
DIFFERENCE=										
GRAND TOTAL										
General Fund	3,130,538	28.5	3,302,077	29.6	3,013,205	32.5	3,515,355	32.5	3,293,690	34.4
General Fund Exempt	1,741,166		1,628,331		1,391,287		1,631,046		1,602,520	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	942,404		1,025,052		1,067,153		1,238,657		1,092,567	
Federal Funds	446,968		648,694		554,765		645,651		598,602	
							-		-	

SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES

Department of Law	Item	Fund Number	SPECIAL PROSECUTIONS UNIT				
			Actual FY 2011	Actual FY 2012	Approp. FY 2013	Estimate FY 2013	Request FY 2014
Schedule 3 Total			3,130,538	3,302,077	3,013,205	3,515,355	3,293,690
General Funds			1,741,166	1,628,331	1,391,287	1,631,046	1,602,520
General Funds Exempt			-	-	-	-	-
Cash Funds			942,404	1,025,052	1,067,153	1,238,657	1,092,567
Reappropriated Funds			446,968	648,694	554,765	645,651	598,602
Cash Funds							
State Compensation Insurance Authority			253,603	265,519	-	-	-
Fund #16Z			688,801	746,796	1,067,153	1,238,657	1,092,567
EALA				12,737			
Reappropriated Funds							
Special Prosecution Custodial			446,968	648,694	554,765	645,651	598,602
DORA Division of Insurance Cash Fund			-	-	-	-	-
DORA Division of Securities			446,968	648,694	554,765	645,651	598,602

SCHEDULE 2 - PROGRAM SUMMARY

Department of Law	Item	Auto Theft Prevention Grant									
		Actual FY 11		Actual FY 12		Approp FY 13		Estimate FY 13		Request FY 14	
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Auto Theft		227,976	2.0	222,007	2.0	282,234	2.5	282,234	2.5	282,234	2.5
General Fund		-		-		-		-		-	
General Fund Exempt		-		-		-		-		-	
Cash Funds		-		-		-		-		-	
Reappropriated Funds		227,976		222,007		282,234		282,234		282,234	
Federal Funds		-		-		-		-		-	

SCHEDULE 3 - PROGRAM DETAIL

Department of Law

Auto Theft Prevention Grant

Item	Actual FY 11		Actual FY 12		Appropriation FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
I. POSITION DETAIL										
Senior Asst Attorney General	98,004	1.0	98,004	1.0			98,004	1.0	98,004	1.0
Criminal Investigator II	76,800	1.0	76,800	1.0			76,800	1.0	76,800	1.0
Administrative Asst III							24,000	0.5	24,000	0.5
TOTAL POSITION DETAIL	174,804	2.0	174,804	2.0			198,804	2.5	198,804	2.5
(I.A.) CONTINUATION FTE SALARY COSTS	174,804	2.0	174,804	2.0			198,804	2.5	198,804	2.5
(Permanent FTE by position)										
Continuation Salary Subtotal										
(I.B.) OTHER PERSONAL SERVICES										
PERA on Continuation Subtotal	12,900		12,366				20,179		20,179	
Medicare on Continuation Subtotal	2,443		2,344				2,883		2,883	
Non-Base Building Performance Awards										
Contractual	-		-				-		-	
Furlough Days	-		-				-		-	
Other	821		734							
SUBTOTAL	16,164		15,444				23,061		23,061	
(I.C.) PERSONAL SERVICES SUBTOTAL=	190,968	2.0	190,248	2.0			221,865	2.5	221,865	2.5
(I.D.) POTS EXPENDITURES										
Health/Life Dental	15,908		16,583				20,917		20,917	
Salary Survey							-		-	
Performance Awards							-		-	
Short Term Disability	297		309				352		352	
SB 04.257 A.E.D.	4,043		4,526				6,362		7,157	
SB 06.235 S.A.E.D.	2,949		3,637				5,467		6,461	
Other										
[] Indicates a Non-add										
(I.E.) BASE PERSONAL SERVICES TOTAL=	214,164	2.0	215,302	2.0			254,963	2.5	256,752	2.5
C+D										

SCHEDULE 3 - PROGRAM DETAIL

Department of Law

Auto Theft Prevention Grant

Item	Actual FY 11		Actual FY 12		Appropriated FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
(I.F.) DIFFERENCE= II- I.E.										
(I.G.) REQUEST YEAR DECISION ITEMS										
General Fund										
Cash Funds										
Reappropriated Funds										
II. PERSONAL SERVICES REQUEST TOTAL										
General Fund	214,164	2.0	215,302	2.0			254,963	2.5	256,752	2.5
Cash Funds	-		-							
Reappropriated Funds	214,164		215,302				254,963		256,752	
Federal Funds										

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law		Auto Theft Prevention Grant															
Item	Actual FY 11		Actual FY 12		Approp. FY 13		Estimate FY 13		Request FY 14								
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE							
OPERATING EXPENSES																	
1930 Litigation	370		544						13,147		11,357						
2210 Bldg Maintenance/Repair Svcs	-		-						-								
2230 Equipment Maintenance/Repair Svcs	-		-						-								
2231 ADP Equip Maint/Repair Services	190		-						-								
2251 Rental/Lease Motor Pool Vehicle			721														
2252 Motor Pool Mileage Charge	73		-						250		250						
2254 Rental of Motor Vehicles	-		-														
2255 Rental of Buildings	3,967		3,188						6,111		6,111						
2258 Parking Fees	-		-						0		0						
2559 Parking Fee Reimbursement	-		-						26		26						
2510 In State Travel	-		-						843		843						
2258 Parking Fees	-		-														
2512 IS Personal Travel Per Diem	457		437						600		600						
2513 IS Personal Vehicle Reimbursement	-		-														
2530 Out of State Travel	136		-						150		150						
2531 OS Common Carrier Fares	198		-						325		325						
2532 OS Personal Travel Per Diem	359		-						350		350						
2533 OS Personal Vehicle Reimbursement	-		-														
2630 Comm Svcs Div of Telecom	1,186		892						1,214		1,214						
2631 Comm Svcs from Outside Sources	513		650						650		650						
2641 Other ADP Billings - Purchase Services	-		-														
2660 Insurance	-		-														
2680 Contract Printing	-		(2,073)						182		182						
2681 Photocopy Reimbursement	-		-						-		-						
2810 Freight & Storage	-		-						-		-						
2820 Other Purchased Services	-		-						657		657						
2830 Office Moving/Purchased Services	-		-														
3110 Other Supplies and Materials	-		-						-		-						
3112 Automotive Supplies	-		-														
3114 Custodial	-		-														
3115 DP Supplies	265		(240)						250		250						
3116 Purchase/Leased Software	-		-														
3117 Educational	52		-														
3120 Books & Subscriptions	560		1,112						900		900						

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law		Auto Theft Prevention Grant											
Item	Actual FY 11		Actual FY 12		Approp FY 13		Estimate FY 13		Request FY 14				
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE			
3121 Office Supplies	172		276				350		350				
3122 Microfilming/Photo. Supplies	-		-				266		266				
3123 Postage	44		51				-		0				
3124 Printing	-		7				50		50				
3126 Repair & Maintenance/Supplies	-		96				-		-				
3128 Non-Capitalized Equipment	-		-				-		-				
3132 Non-Capitalized Furn/Office Sust	-		-				-		-				
3140 Non-Capitalized IT - PCs	3,528		-				-		-				
3141 Non-Capitalized IT - Servers	-		-				-		-				
3143 Non-Capitalized IT - Other	1,091		10				-		-				
3146 Non-Capitalized IT Purchased Server SW	-		-				-		-				
4100 Other Operating Expenses	-		-				450		450				
4140 Dues & Memberships	450		225				-		-				
4170 Miscellaneous Fees	-		-				-		-				
4180 Official Functions	-		-				500		500				
4220 Registration Fees	200		810				-		-				
Operating Expense Subtotal:	13,812		6,705				27,271		25,482				
Decision Item													
Cash Funds Exempt													
OPERATING EXPENSE TOTAL:	13,812		6,705				27,271		25,482				
General Fund													
General Funds Exempt													
Cash Funds	13,812		6,705				27,271		25,482				
Reappropriated Funds	-		-				-		-				
Potted Operating Expenses													
Workers' Compensation													
Leased Vehicle Expense													
Leased Space Allocation													
IT Asset Maintenance													
ADP Capital Outlay													
Building Security													
Total													

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law	Item	Actual FY 11						Appropriation FY 12						Estimate FY 13						Auto Theft Prevention Grant Request FY 14					
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
General Fund	Cash Funds Exempt																								
Base Refinancing																									
General Fund	Reappropriated Funds																								
FY010 Refinancing																									
General Fund	Reappropriated Funds																								
FY11 DECISION ITEMS																									
General Fund																									
Projected Shortfall																									
Reappropriated Funds																									
TOTAL Auto Theft Grant																									
General Fund		227,976	2.0	222,007	2.0	239,075	2.0	282,234	2.5	282,234	2.5	282,234	2.5	282,234	2.5	282,234	2.5	282,234	2.5	282,234	2.5	282,234	2.5	282,234	2.5
General Fund Exempt																									
Cash Funds		-		-		-		-		-		-		-		-		-		-		-		-	
Reappropriated Funds		227,976		222,007		239,075		282,234		282,234		282,234		282,234		282,234		282,234		282,234		282,234		282,234	
Federal Funds																									
RECONCILIATION OF FUNDS																									
Long Bill Appropriation		246,976		239,075	2.0																				
Supplemental HB 10-1305		-		-																					
<i>Additional Grant Amount</i>																									
PERA, AED, SAED adjustments																									
Removal of one time equipment purchases																									
Classified Salary POTS																									
Health/Life/Dental																									
Short Term Disability																									

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

Auto Theft Prevention Grant

Item	Actual FY 11		Actual FY 12		Approp FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
SB 04.257 A.E.D.										
SB 06.235 S.A.E.D.										
Capital Complex Lease Space										
Workers Compensation										
Vehicle Lease Allocation										
IT Asset Maintenance										
ADP Capital Outlay Allocation										
Building Security										
Rollforward from Previous FY year										
Restriction										
Overexpenditure/(Reversion) - GF	(19,000)		(17,068)							
Lapsed Appropriation Reappropriated Fund	-		-							
Lapsed Appropriation Federal Funds	227,976	0.0	222,007	2.0			282,234	2.5	282,234	
TOTAL RECONCILIATION										
GRAND TOTAL	227,976	2.0	222,007	2.0	282,234	2.5	282,234	2.5	282,234	2.5
General Fund	-		-		-		-		-	
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	227,976		222,007		282,234		282,234		282,234	
Federal Funds	-		0		-		-		-	

SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES

Department of Law		Auto Theft Prevention Grant					
Item	Fund Number	Actual	Actual	Approp	Estimate	Request	
		FY 2011	FY 2012	FY 2013	FY 2013	FY 2014	
Schedule 3 Total		227,976	222,007	282,234	282,234	282,234	
General Funds		-	-	-	-	-	
General Funds Exempt		-	-	-	-	-	
Cash Funds		-	-	-	-	-	
Reappropriated Funds		227,976	222,007	282,234	282,234	282,234	
Federal Funds		-	-	-	-	-	
Reappropriated Funds							
Auto Theft Prevention Grant		227,976	222,007	282,234	282,234	282,234	
Federal Funds							
Federal VOCA Grant		-	-	-	-	-	

D) BACKGROUND INFORMATION: APPELLATE DIVISION

Structure:

General fund unit headed by the Deputy Solicitor General.

28 attorney FTE's – 26 full-time and 4 half-time attorneys

3 support staff

Primary duties. The Division represents the prosecution when defendants challenge their felony convictions before state and federal appellate courts.

For the most part, the Division responds to appeals that are brought on behalf of convicted criminals, and thus has no control over the size of its incoming caseload. That caseload has consistently exceeded the Division's ability to keep pace, and each year Division attorneys have fallen farther behind.

Most of the cases handled by the Appellate Division are in the Colorado Court of Appeals; the rest are Colorado Supreme Court and the federal district and appellate courts. For each case, an Appellate Division attorney must review the trial court record and the brief filed by the defense, do legal research into the defendant's claims, and file a response. In a small number of cases, the Appellate attorney will be filing the first (or opening) brief rather than a response. In FY 2012, Appellate Division attorneys filed 894 opening and response briefs. On some appeals, the attorney must also argue the case before an appellate court; appellate attorneys conducted 115 such arguments in FY 2012.

The Division must provide effective and ethical representation in every case and handle whatever issues are presented in as timely a manner as possible. At times, however, it must take the offensive and seek certiorari review in the Supreme Court when (1) the court of appeals issues an opinion that appears to be contrary to established law and/or would have an adverse impact on law enforcement; or (2) conflicting decisions from the court of appeals emphasize the need for clarification in particular areas of the law.

The outcome of any given case may significantly affect how law enforcement authorities conduct searches and arrests; influence criminal trials and sentencing hearings throughout the state; or impact the state's Department of Corrections, and probation, parole, and county Community Corrections programs. As such, each case must be given thorough and careful attention.

In order to do the best job possible, appellate and trial prosecutors must keep current on ongoing developments in criminal law and procedure. In addition to writing briefs and presenting oral arguments, Division attorneys condense the critical principles embodied in each published case, and classify and incorporate them into a digest that is transmitted weekly to the division's attorneys and to the Offices of the State's District Attorneys. This digest is available to state prosecutors through a web site posting that is updated monthly.

Critical issues. The Division's obligation to effectively represent the interests of the People must be balanced with the need to process cases as quickly and efficiently as possible, which has proven to be a daunting task.

The Division officially "opens" a case when it receives an opening brief from the defense. In FY 2012, the Division activated 1171 new appeals, an average of 98 new cases per month. On average, Division attorneys can generate approximately 75 responses per month.

The Colorado Appellate Rules provide that a response (or answer brief) should be filed within 35 days after service of the opening brief. As of the end of FY 12, the Division had 608 cases awaiting a response. Meeting a 35-day turnaround is impossible.

	Cases Opened	Briefs Filed by Division	Cases Resolved Other Ways	Backlog
FY 08	-	-	-	280
FY 09	1240	1029	87	395
FY 10	1152	1054	62	434
FY 11	1050	1021	66	398
FY 12	1171	894	67	608

Over time, the Division has been severely impacted by huge incoming numbers, exacerbated by inadequate resources to generate an output equal to the number of cases received (this past fiscal year alone, incoming cases were up by 121 cases over the previous year). The Division has experienced high turnover, as Division attorneys who were hired in at entry level and have been frozen at that low level for many years have been leaving for higher-paying positions. Hiring takes time and staff resources, and new attorneys require more oversight and cannot generate quality briefs as quickly as senior attorneys.

As a result, the backlog of cases needing attention has grown significantly, along with the time it takes for Division lawyers to process appeals. Reducing the backlog and getting the Division back on track to keep pace with incoming cases must be the Division's #1 priority.

II) PRIOR YEAR LEGISLATION:

None

III) HOT ISSUES:

Appellate's biggest challenge has always been how to keep pace with an unpredictable incoming caseload, while also trying to pare down the pending caseload. The state appellate courts (and particularly the Court of Appeals) have traditionally recognized the difficulties posed by our workload and have been generous in granting extra time to file our briefs. However, the Court of Appeals is catching up on its caseload thanks to the addition of more judges, and has indicated that it wants to reduce the amount of time it takes for cases to pass through the appellate system. As such, Appellate will be required to do an even more delicate balancing act between processing appeals quickly while giving those appeals the attention they deserve. We can expect to see continuing pressure by the Courts for a faster turnaround on our appeals.

The United States Court of Appeals for the Tenth Circuit Court has concluded that "delay in adjudicating a direct criminal appeal beyond two years from the filing of the notice of appeal gives rise to a presumption that the state appellate process is ineffective. *Harris v. Champion*, 15 F.3d 1538, *1556 (10th Cir. 1994). Thus, in any federal habeas corpus cases we are involved in, we may have to overcome that presumption. The task is not impossible, but time devoted to overcoming the presumption is time not spent on other cases. Indeed the time we spend "managing delays" (repeatedly requesting additional extensions of time and overcoming these presumptions) takes time away from work on substantive claims and has a snowball effect.

We have not yet had a conviction vacated in state or federal court because of inordinate delay on appeal, but each year we are faced with more such claims than in the past.

IV) WORKLOAD MEASURE:

Work on these appeals involves additional activities that vary by case, including monitoring case files; writing and responding to motions; conducting legal research; filing supplemental pleadings such as petitions for rehearing and petitions for certiorari; and preparing for and orally arguing the merits of the appeal before an appellate court(s). Oral arguments involve significant prep time, so an increase in arguments directly impacts brief production.

Workload Measure		FY 11Actual	FY 12Actual	FY 13 Estimate	FY14 Request
Incoming cases		1050	1171	1200	1200
Oral arguments		117	115	130	145

CORE OBJECTIVES AND PERFORMANCE MEASURES

Objective: Produce quality briefs appropriately tailored to the seriousness of the offense/appellate challenge while maintaining or improving success rate. As a performance measure, the most quantifiable indicator may be "Cases Resolved," which reflects the number of briefs filed plus the cases decided by the Court of Appeals via its expedited docket (which issues opinions in simple cases without the need for an AG response) or otherwise resolved.

Performance Measure	Target	FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY14 Request
Briefs filed annually		1021	894	900	
Cases resolved (i.e. total of briefs filed and cases decided via expedited docket or otherwise resolved) annually		1087	961	1000	
Percentage of cases with a successful outcome on appeal annually	90%	90%	91.2%	90%	

Performance Evaluation:

Over the past two years, the Division has met its goal of preserving at least 90% of the convictions challenged on appeal.

It has not done as well meeting its caseload. Although the Division has implemented a variety of strategies for increasing efficiency, circumstances beyond its control have hindered that effort. Large incoming numbers, increasingly complex cases, and high turnover resulting in a high percentage of junior attorneys have combined to cause the Division to fall further and further behind each year.

Strategy:

The strategy of the Division is do whatever it can to resolve cases in a timely fashion while providing quality representation of the state's interests. Toward that end, it is critical that the Division reduce the backlog to a manageable level. The Division has maximized what it can do with the resources currently available, and requires additional staff to meet its obligations.

For example, the Division has implemented the following strategies:

1. The Deputy Solicitor General has organized a working group consisting of representatives from the Appellate Division, the Court of Appeals, the Public Defender's

Office, and the Office of Alternate Defense Counsel to discuss matters of mutual concern and how we might streamline our interaction for maximum efficiency. The group meets every other month and has come up with a number of improvements.

2. The Division is working with the Court of Appeals on a procedure for an “experimental docket” in which Division attorneys screen cases and file abbreviated pleadings short of thorough briefs. This is designed to expedite those simple cases that can be dealt with easily and effectively without full briefing, thereby increasing Division and court efficiency and expediting case processing. That program is in its early stages, but early results are promising. However, only a small percentage of cases lend themselves to such summary treatment. The majority of cases require careful research and analysis, critical thinking, and careful writing.

3. Those cases are channeled within the Division as efficiently as possible so that the best people for the job are working on particular cases. Many Division attorneys have developed special expertise, and to the extent possible, cases dealing with their subject areas are channeled to them (few cases, however, ever consist of single issues). Resource materials (a brief bank, outlines, etc) are compiled and updated to provide starting points and shortcuts for research, and senior staff provide mentoring and oversight so that junior staff get on the right track quickly and efficiently.

SCHEDULE 2 - PROGRAM SUMMARY

Department of Law

Item	Actual FY 11		Actual FY 12		Appropri FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
APPELLATE UNIT										
General Fund	2,984,650	31.6	2,953,237	30.9	2,709,335	32.0	3,166,619	32.0	3,263,535	37.5
General Fund Exempt	2,787,785		2,569,338		2,195,709		2,652,993		2,438,729	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	196,865		383,899		513,626		513,626		-	
									824,806	

SCHEDULE 3 - PROGRAM DETAIL

Department of Law

APPELLATE UNIT

Item	Actual FY 11		Actual FY 12		Appropriation FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
I. POSITION DETAIL										
Deputy Attorney General	122,016	1.0	122,016	1.0			122,016	1.0	122,016	1.0
First Assistant Attorney General	287,172	3.0	286,857	3.0			287,172	3.0	287,172	3.0
Senior Assistant Attorney General	321,516	4.0	321,516	4.0			561,564	7.0	561,564	4.0
Assistant Attorney General	1,312,446	19.9	1,278,840	19.0			1,144,008	17.0	1,144,008	20.0
Assistant Attorney General II										
General Prof IV	68,256	1.0	68,256	1.0			68,256	1.0	68,256	1.0
Program Assistant I	36,945	0.8	42,261	0.9			48,000	1.0	48,000	1.0
Administrative Assistant II	69,183	2.0	72,000	2.0			72,000	2.0	72,000	2.0
Administrative Assistant I										
TOTAL POSITION DETAIL	2,217,534	31.6	2,191,746	30.9			2,303,016	32.0	2,303,016	32.0
(I.A.) CONTINUATION FTE SALARY COSTS										
(Permanent FTE by Position)										
Continuation Salary Subtotal	2,217,534	31.6	2,191,746	30.9			2,303,016	32.0	2,303,016	32.0
(I.B.) OTHER PERSONAL SERVICES										
PERA on Continuation Subtotal	166,691		160,407				224,258		233,756	
Medicare on Continuation Subtotal	29,961		29,749				33,394		33,394	
Non-Base building Performance Award							-		-	
Furlough	-		-				-		-	
Part-Time/Temporary Salaries	-		-				-		-	
Contractual Services	9,927		9,915				9,900		9,900	
Leave	25,790		5,559							
Overtime	-		-							
Other	18,953		41,609				21,750		18,993	
SUBTOTAL	251,321	31.6	247,240	30.9			289,302	32.0	296,043	32.0
(I.C.) PERSONAL SERVICES										
SUBTOTAL= A+B	2,468,854	31.6	2,438,986	30.9			2,592,318	32.0	2,599,059	32.0
Difference										
(I.D.) POTS EXPENDITURES										
Health/Life Dental	165,684		175,915				196,445			
Salary Survey							-		-	
Performance Awards							-		-	
Short Term Disability	3,729		3,854				4,076			
SB 04.257 A.E.D.	51,203		58,972				73,697			
SB 06.235 S.A.E.D.	37,328		47,379				63,333			
Other										

[] Indicates a Non-add

SCHEDULE 3 - PROGRAM DETAIL

Department of Law		APPELLATE UNIT									
Item	Actual FY 11		Actual FY 12		Approp FY 13		Estimate FY 13		Request FY 14		
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
(I.E) BASE PERSONAL SERVICES TOTAL= C+D	2,726,798	31.6	2,725,105	30.9			2,929,869	32.0	2,599,059	32.0	
(I.F.) DIFFERENCE= II-I.E.											
(I.G.) Appellate FTE Increase to Manage Backlog DI											
General Fund									482,594	5.5	
Cash Funds									482,594	5.5	
Reappropriated Funds											
II. PERSONAL SERVICES REQUEST TOTAL	2,726,798	31.6	2,725,105	30.9			2,929,869	32.0	3,081,653	37.5	
General Fund	2,529,933		2,341,206				2,416,243		2,256,847		
Cash Funds											
Reappropriated Funds	196,865		383,899				513,626		824,806		

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

APPELLATE UNIT

Item	Actual FY 11		Actual FY 12		Approp FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
OPERATING EXPENSES										
1930 Litigation	1,419		1,247				1,425		1,425	
2170 Waste Disposal Services	-		172				-		-	
2220 Building Grounds Maintenance	-		-				-		-	
2230 Bldg Maintenance/Repair Svcs	-		-				-		-	
2231 ADP Equip Maint/Repair Services	2,130		2,922				650		650	
2232 Software Upgrades	-		-				-		-	
2240 Motor Veh Maint/Repair Svcs	-		-				-		-	
2251 Lease Motor Pool Vehicle	-		-				-		-	
2252 Motor Pool Mileage Charge	-		-				-		-	
2255 Rental of Buildings	101,588		102,399				-		-	
2258 Parking Fees	-		-				-		-	
2559 Parking Fee Reimbursement	-		-				-		-	
2510 In State Travel	-		230				-		-	
2512 IS Personal Travel Per Diem	984		711				920		920	
2513 IS Personal Vehicle Reimbursement	-		40				303		303	
2520 IS Travel/Non Employee	-		-				-		-	
2521 IS Common Carrier Non Employee	-		-				-		-	
2522 IS Non-Emp - Pers Per Diem	-		-				-		-	
2523 IS/Non-Emp - Pers Veh Reimb	-		-				-		-	
2530 Out of State Travel	-		227				-		-	
2531 OS Common Carrier Fares	-		1,377				118		118	
2532 OS Personal Travel Per Diem	-		1,615				-		-	
2533 OS Personal Vehicle Reimbursement	-		-				-		-	
2550 Out of Country Travel	-		-				-		-	
2552 OC Pers Travel Reimbursement	-		-				-		-	
2630 Telephone	15,053		13,659				15,545		15,545	
2631 Comm Svcs from Outside Sources	1,425		-				425		425	
2641 Other ADP Billings - Purchase Services	47,729		61,601				51,311		51,311	
2660 Insurance	4,092		5,284				-		-	
2680 Contract Printing	6,476		4,843				6,345		6,345	
2681 Photocopy Reimbursement	-		-				-		-	
2810 Freight & Storage	-	0.0	-				-		-	
2820 Other Purchased Services	13,645		230				5,264		5,264	
2830 Office Moving/Purchased Services	-		-				-		-	
3110 Other Supplies and Materials	-		-				-		-	
3115 DP Supplies	961		422				350		350	
3116 Purchase/Leased Software	-		-				-		-	
3117 Educational	-		-				-		-	
3120 Books & Subscriptions	1,983		2,929				2,574		2,574	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law	Item	Actual FY 11				Actual FY 12				Appropriated FY 13				Estimate FY 13				Request FY 14			
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
	3121 Office Supplies	4,180		4,578										4,100		4,100		4,100		4,100	
	3122 Microfilming/Photo. Supplies	-		-										-		-		-		-	
	3123 Postage	4,363		4,287										4,421		4,421		4,421		4,421	
	3124 Printing	-		-										-		-		-		-	
	3126 Repair & Maintenance/Supplies	-		-										-		-		-		-	
	3128 Non-Capitalized Equipment	-		89										-		-		-		-	
	3131 Non-Capitalized Building Materials	33,838		-										-		-		-		-	
	3132 Non-Cap Office Furn/Office Systems	2,227		444										-		-		-		-	
	3139 NONCAPITLZD FIXED ASSET OTHER	386		-										-		-		-		-	
	3140 Non-Capitalized IT - PC's	-		-										-		-		-		-	
	3141 Non-Capitalized IT - Servers	-		-										-		-		-		-	
	3143 Non-Capitalized IT Other	47		-										-		-		-		-	
	3146 Non-Capitalized Purchased Server SW	-		-										-		-		-		-	
	3950 Gasoline	-		-										-		-		-		-	
	4111 Prizes and Awards	-		1,600										10,700		10,700		10,700		10,700	
	4140 Dues & Memberships	14,360		10,445										-		-		-		-	
	4151 Interest Late Payments	-		-										-		-		-		-	
	4170 Miscellaneous Fees	-		-										-		-		-		-	
	4180 Official Functions	641		31										-		-		-		-	
	4220 Registration Fees	325		6,749										5,825		5,825		5,825		5,825	
	6140 Buildings and Improves. to Bldg.	-		-										-		-		-		-	
	6210 Other Capital Equipment	-		-										-		-		-		-	
	6212 IT PC SW - Direct Purchase	-		-										-		-		-		-	
	6213 IT Servers Direct Purchase	-		-										-		-		-		-	
	6220 Office Furn & Equip	-		-										-		-		-		-	
	6224 Other Furn & Fixtures- Direct Purchase	-		-										-		-		-		-	
	6410 ADP Equipment-Lease Purchase	-		-										-		-		-		-	
	Underfunded GF for base	-		-										-		-		-		-	
	Operating Expense Subtotal:	257,851		228,131										110,276		110,276		110,276		110,276	
	OPERATING EXPENSE TOTAL:	257,851		228,131										110,276		110,276		110,276		110,276	
	General Fund	257,851		228,131										-		-		-		-	
	General Funds Exempt	-		-										-		-		-		-	
	Reappropriated Funds	-		-										-		-		-		-	
Rollforwards																					
	General Fund Exempt	-		-										-		-		-		-	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law	Item	Actual FY 11				Actual FY 12				Appropriated FY 13				Estimate FY 13				Request FY 14			
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Special Bills	HB07-1054 Increasing Judges																	-		-	
	General Fund																	-		-	
Potted Operating Expenses	Workers' Compensation															5,653					
	Leased Vehicle Expense															-					
	Capital Complex Lease Space															97,783					
	Lease Space															947					
	IT Asset Maintenance															-					
	ADP Capital Outlay																				
	CLE Registration Fees															11,250					
Total	General Fund															10,841					
	General Fund Exempt															126,474					
Cash Funds	General Fund															126,474					
	Reappropriated Funds															-					
DECISION ITEMS																					
Appellate FTE to Manage Backlog																					
General Fund	General Fund																			71,606	
	Cash Funds																			71,606	
Cash Funds Exempt	General Fund																				
	General Fund Exempt																				
Cash Funds	General Fund																				
	Reappropriated Funds																				
TOTAL APPELLATE UNIT	General Fund	2,984,650	31.6	2,953,237	30.9											3,166,619	32.0	3,263,535	37.5		
	Cash Funds	2,787,785		2,569,338												2,652,993		2,438,729			
Cash Funds	General Fund															-		-			
	Reappropriated Funds	196,865		383,899												513,626		824,806			
RECONCILIATION OF FUNDS/REQUEST	Long Bill Appropriation																				
	DI #5 Reinstated 1.5% Reduction																				
SB 11-76 PERA Reduction	General Fund																				
	10-1329 Solid Waste User Fees																				
HB 12 1246 Reinstated Paydate Shift Part Time	General Fund																				
	Reverse one time RF (Indirect) to GF (\$82,830)																				
Appellate FTE to Manage Backlog DI	General Fund																				
	Additional Indirect allocation PIO																				
Salary POTS	General Fund																				
	Health/Life/Dental																				
TOTAL APPELLATE UNIT	General Fund	2,648,687	32.0	2,666,027	32.0											2,703,455	32.0	2,703,455	32.0		
	Cash Funds																				
RECONCILIATION OF FUNDS/REQUEST	Long Bill Appropriation																				
	DI #5 Reinstated 1.5% Reduction																				
SB 11-76 PERA Reduction	General Fund																				
	10-1329 Solid Waste User Fees																				
HB 12 1246 Reinstated Paydate Shift Part Time	General Fund																				
	Reverse one time RF (Indirect) to GF (\$82,830)																				
Appellate FTE to Manage Backlog DI	General Fund																				
	Additional Indirect allocation PIO																				
Salary POTS	General Fund																				
	Health/Life/Dental																				
TOTAL APPELLATE UNIT	General Fund	41,384		(54,234)												5,880		5,880			
	Cash Funds																				
HB 12 1246 Reinstated Paydate Shift Part Time	General Fund																				
	Reverse one time RF (Indirect) to GF (\$82,830)																				
Appellate FTE to Manage Backlog DI	General Fund																				
	Additional Indirect allocation PIO																				
Salary POTS	General Fund																				
	Health/Life/Dental																				
TOTAL APPELLATE UNIT	General Fund	120,629		150,263												196,445		554,200	5.5		
	Cash Funds															-		-			

APPELLATE UNIT

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SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES									
Department of Law		APPELLATE UNIT							
Item	Fund Number	Actual FY/2011	Actual FY/2012	Approp FY/2013	Estimate FY/2013	Request FY/2014			
Schedule 3 Total									
General Funds		2,984,650	2,953,237	2,709,335	3,166,619	3,263,535			
General Funds Exempt		2,787,785	2,569,338	2,195,709	2,652,993	2,438,729			
Cash Funds				-	-	-			
Reappropriated Funds		196,865	383,899	513,626	513,626	824,806			
Reappropriated Funds	100								
Indirect Cost Recoveries		82,830	311,248	440,975	440,975	752,155			
Haz Waste HB 10-1329		41,384							
Victim's Assistance		72,651	72,651	72,651	72,651	72,651			

D) BACKGROUND INFORMATION: MEDICAID FRAUD UNIT

The Medicaid Fraud Control Unit (“MFCU”), authorized for 17 FTE positions, defends the financial integrity of the state’s Medicaid program and the safety of patients in Medicaid-funded facilities. The MFCU investigates and prosecutes fraud by providers against the Medicaid program and patient abuse in Medicaid-funded facilities throughout the state. It also pursues civil recoveries and damages against providers under the Colorado Medicaid False Claims Act, which became law on May 26, 2010. By law, the Unit is separate from and independent of the state agency (Colorado Department of Health Care Policy and Financing, HCPF) that administers Colorado’s Medicaid program. By federal law and State Executive Order D1787, the Unit has statewide investigation and prosecution authority, which occurs with the cooperation and assistance of the 22 local District Attorneys across the state.

The Colorado Medical Assistance Program (Medicaid) provides medical assistance to low income, disabled individuals, children and families in Colorado, paying approximately \$4.6 billion each fiscal year to over 10,000 participating Colorado Medicaid providers (such as nursing homes, physicians, psychiatrists, psychologists and mental health therapists, dentists, pharmacies, laboratories, hospitals, clinics and durable medical equipment companies) on behalf of over 700,000 recipients enrolled in the Integrated Care Management (485,000 enrolled), Children’s Basic Health Plan (70,000 enrolled), Medically and Colorado Indigent Care (198,000 enrolled) and the Medical Homes (includes 236,000 Medicaid and Children’s Basic Health Plan children) Programs. Accordingly, Medicaid is one of the two largest items in the current Colorado state budget.

Colorado Medicaid is jointly funded by the federal and state governments at a 50/50 split. The MFCU receives 75% of its funding from the federal government, but in most cases a full 50% of the monies recovered by the Unit are returned to the state. During FY 2012, the MFCU returned **\$8,469,092.38** in restitution and recoveries to the Medicaid program in Colorado. Recoveries are accomplished through criminal restitution orders, settlements with providers, and participation with other state MFCUs in civil and criminal litigation, termed “global” cases, over alleged fraud against state Medicaid programs nationwide.

This past fiscal year, under the new False Claims Act, the MFCU began civil fraud recoveries to supplement its criminal authority. In FY 2012, the MFCU recovered **\$3,241,306.37** in civil recoveries for local fraud and overpayments unrelated to the global cases, far in excess of the \$69,145.00 of state money appropriated for its new civil unit.

A large majority of health care providers deliver reasonable and honest services, and bill appropriately. Fraud in the delivery of health care services has been estimated nationally at **3.0%** (testimony of the Inspector General of Health and Human Services before the Senate Special Committee on Aging, May 6, 2009), although in 1999 it was estimated in Colorado at **1.8%**. Recognizing that any amount is too much, it is the goal of the MFCU to effectively investigate, prosecute and to recover overpayments. Modern Medicaid fraud is typically a complex, multi-party (and sometimes multistate) white-collar crime

which requires sophisticated investigative and prosecution personnel, who are well-trained and experienced in the white-collar crime arena.

II) PRIOR YEAR LEGISLATION

During fiscal year 2011, the MFCU added three positions and organized a civil group to respond to new duties added by the Colorado Medicaid False Claims Act, a *qui tam* (whistleblower) act that passed on May 26, 2010. This act permits the MFCU to pursue civil recoveries against providers, resulting in additional opportunities for monetary recovery. These recoveries may come from state whistleblower cases in court, or simply from the MFCU's expanded power to review, investigate, and prosecute under civil laws.

III) HOT ISSUES

Major fraud cases: In the past fiscal year, the MFCU has continued to prosecute medical supply and equipment cases with significant losses, and more such cases are under investigation.

False Claims: With the passage of the Medicaid False Claims Act, the State of Colorado has been named as a party plaintiff in approximately 127 global cases, resulting in a sharp increase in the MFCU's case load and activity level. As mentioned above, the MFCU has also recovered substantial funds from local civil cases, some of which were generated within the MFCU and some of which were the result of referrals from outside sources.

Initiatives and directions: The MFCU has begun initiatives to combat certain types of frauds that are prominent in Colorado. These frauds include overbilling in home health and Home and Community Based Services (HCBS), upcoding of services by physicians and other professionals, and expense reporting in nursing home cost reports. The MFCU will be proposing legislation to the Deputy Attorney General for consideration by the Legislature; the proposed bill would enhance existing elder protection statutes by requiring mandatory reporting of elder abuse, both physical and financial, by health professionals and people in certain other occupations.

Affordable Care Act: With the recent United State Supreme Court case upholding major provisions of the Affordable Care Act, there is the potential for the act's implementation to have a major effect on the Unit's caseload, as the act may significantly increase the number of Medicaid recipients, with current rough estimates projecting a 15% increase in Medicaid recipients. Even before the ACA ruling, CMS had predicted that the growth in Medicaid spending would outpace the growth of the U.S. economy over the next decade(CMS Press Release, October 17, 2008).

IV) WORKLOAD MEASURE:

WORKLOAD INDICATORS

Workload Measures		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
Measure 1.1 Criminal Investigation Opened	Target	45	45	45	45
	Actual	55	26		
Measure 1.2. Criminal Investigations Pending	Target	55	55	55	55
	Actual	63	48		
Measure 1.3. Criminal Cases Filed	Target	12	12	12	12
	Actual	20	12		
Measure 1.4. Convictions	Target	12	12	12	12
	Actual	10	19		
Measure 1.8. Total fines / Costs / Restitution Recovered	Target	\$450,000	\$450,000	\$3,500,00	\$2,500,000
	Actual	\$5,197,151.64	\$8,469,092.38		
Measure 1.9. Medicaid program exclusions (Providers / years)	Target	12/60	12/60	12/60	12/60
	Actual	8/Pending	8/Indefinite		
Measure 1.10. Cases closed	Target	45	45	55	55
	Actual	65	105		
Measure 1.11. Patient Incident Reviews	Target	1,000	1,000	2,000	2,000
	Actual	2,994	3819		
Measure 1.12. Intergovernmental Cooperation (open non-global cases investigated jointly w/other agencies)	Target	22	22	15	15
	Actual	6	10		

N.B.: The dollar amount listed in Measure 1.8 reflects all recoveries, both civil and criminal, made by the Unit. Per estimates obtained from the National Association of Medicaid Fraud Control Units(NAMFCU), with whom the Unit coordinates its participation in global cases, the amount of dollar recoveries to be obtained through global cases over the next few years is expected to decrease markedly. While such estimates are not an exact science, they are worth noting, as the largest part of the Unit's recoveries over the past several years has been through global cases. Future years' recoveries have been adjusted to reflect both current trends and the NAMFCU estimates.

Under Measure 1.9, eight individuals were excluded from the Medicaid program. In each case, each individual received an "indefinite" exclusion, as opposed to a finite period of time.

Statistics kept by the MFCU indicate that the workload of the MFCU has increased gradually but steadily over the fiscal years.

A comparatively dramatic increase in the MFCU caseload is anticipated for FY13 with the Supreme Court's ruling pertaining to the Affordable Care Act..

PERFORMANCE MEASURES

1. Fraud investigations and prosecutions

Objective: To conduct a statewide program for investigating and prosecuting violations of applicable state laws pertaining to fraud in the administration of the Medicaid program, the provision of medical assistance, or the activities of providers of medical assistance under the State Medicaid plan.

Performance Measure	Outcome	FY 11 Actual		FY 12 Actual		FY 13 Estimate		FY 14 Request	
		Goal	Change	Goal	Change	Goal	Change	Goal	Change
1.1 Open fraud investigations with substantial potential for criminal prosecution.	Benchmark	35		35		35		35	
	Actual	51	21	26	25				
1.2 Identify, collect overpayments or refer the matter to appropriate state agency for collection.	Benchmark	\$450,000		\$450,000		\$2,000,000		\$2,000,000	
	Actual	\$5,197,151	\$1,047,223	\$8,469,092.38	\$3,271,941.38				
1.3 To prosecute and convict providers who violate the criminal law by defrauding the Medicaid program.	Benchmark	9		9		9		9	
	Actual	13	7	20	7				
*Probation sentences (years)	Benchmark	10		10		10		10	
	Actual	10	(5)	32.75	22.75				
*Jail / prison sentences(days)	Benchmark	180		180		180		180	
	Actual	1,460		60	(1400)				
*Useful public service (hours)	Benchmark	100		100		100		100	
	Actual	144		552	412				

Strategy: The Unit receives referrals from numerous sources. Fraud referrals often require substantial investigation, and some investigations take months or years. Many of the fraud referrals, once investigated, do not result in criminal charges. This is due to various reasons including lack of provable criminal intent, and inconsistencies or vagueness of applicable rules.

The Unit endeavors to be as quick and responsive as possible in receiving referrals, opening investigations, and bringing cases through the court system. When cases are not appropriate for criminal investigation, the Unit refers them promptly for consideration of civil recoveries or refers them to other agencies and/or delivers information or assistance to the referring entity or person to assure that their concerns may be addressed.

The MFCU's case load increased sharply with the addition of the civil unit, both from new local civil cases and from the service upon the state of scores of civil *qui tam* cases based in federal courts throughout the country.

Evaluation of Prior Year Performance: The MFCU had an increase in criminal convictions in FY12, which was a direct result of increased criminal filings in FY11.

Key Workload Indicators: Workload indicators are consistent with the results in the Performance Measure table, and reflect an increasing Unit caseload. Indicators show that the Unit has the ability to handle both routine cases and those that are highly demanding of employee time.

2. Abuse Investigations and Prosecutions

Objective: To review complaints alleging abuse of patients in health care facilities receiving payments under the State Medicaid plan and in board and care facilities regardless of funding; and complaints of the misappropriation of patients' private funds in such facilities.

Performance Measure	Outcome	FY 11 Actual		FY 12 Actual		FY 13 Estimate		FY 14 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
2.1 Open abuse investigations with a substantial potential for criminal prosecution or refer to appropriate government agency	Benchmark	6		6		6		6	
	Actual	6	3	6					
2.2 Criminally prosecute and convict those who violate the criminal law, particularly the "Wrongs to At-risk adults" statute.	Benchmark	1		1		1		1	
	Actual	1	1	3	2				

Strategy: The Unit investigates thousands of occurrences of injury, endangerment, and wrongdoing in nursing homes and other facilities. These cases can be investigated and prosecuted by the Unit, but a substantially greater number are tracked through the system as they are prosecuted by other government agencies, usually the local District Attorney. As with fraud referrals, the Unit endeavors to be as quick and responsive as possible. Abuse cases are coordinated with local police and prosecutors and assistance is given as needed. In rare cases, a local agency will not accept an abuse case but the Unit is able to prosecute it independently.

Evaluation of Prior Year Performance: The Unit completed three criminal convictions this year for physical, financial, or sexual abuse cases. As mentioned, these cases are typically investigated by the local police and prosecuted by the local District Attorney, with the MFCU providing assistance as needed. This year, the Unit reviewed 3819 allegations of abuse and other incidents in long-term care facilities.

Key Workload Indicators: Workload indicators are consistent with the results in the Performance Measure table, and reflect an increasing overall Unit caseload. The indicators do not demonstrate the number of cases for which the Unit provided expert assistance or consultation.

3. Case openings, assignments, and processing

Objective: Process cases quickly in Unit and, where applicable, in court system by continuing the procedure of assigning the responsibility of each case to a team of at least one investigator and one prosecutor, and holding periodic status meetings and preparing reports on each case.

Performance Measure	Outcome	FY 11 Actual		FY 12 Actual		FY 13 Estimate		FY 14 Request	
		Incidents	Change	Incidents	Change	Incidents	Change	Incidents	Change
3.1 Assign an investigator, auditor and attorney at the time of case opening.	Benchmark	35		35		35		35	
	Actual	51		26	25				
	Benchmark	12/4				12/4		12/4	
3.2 Update case status report monthly and do case review of each case at least quarterly.	Actual	12/4	0	12/4					

Strategy: As the Unit's case load has increased steadily, it has become increasingly important for the Unit to promptly assign cases to the respective investigators and attorneys, and to monitor and assess the progress of each case on at least a quarterly basis. The addition of the False Claims Act has resulted in a sharp increase in the

number of open cases. This should level out because during the past fiscal year, Colorado was added to numerous pre-existing civil cases as well as being served with new ones as they were filed.

Evaluation of Prior Year Performance: Assignments and monitoring have proceeded according to the standards set, and this has assisted the Unit in keeping its cases progressing satisfactorily. In addition, the Unit has improved its pre-assignment evaluation of referred cases, providing a review of cases to be assigned, so that limited Unit resources may be utilized properly. This is reflected in the fact that while fewer cases have been opened, the number of convictions has increased.

Key Workload Indicators: Workload indicators are consistent with the results in the Performance Measure table, and reflect an increasing overall Unit caseload.

SCHEDULE 2 - PROGRAM SUMMARY

Department of Law

MEDICAID FRAUD GRANT

Item	Actual FY 11		Actual FY 12		Approp FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
MEDICAID FRAUD CONTROL GRANT										
General Fund	1,660,872	15.0	1,742,928	16.6	1,579,511	17.0	1,838,735	17.0	1,579,511	17.0
General Fund Exempt	415,218		435,732		394,876		459,383		394,876	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	-		-		-		-		-	
Federal Funds	1,245,654		1,307,196		1,184,635		1,379,352		1,184,635	

SCHEDULE 3 - PROGRAM DETAIL

Department of Law

MEDICAID FRAUD GRANT

Item	Actual FY 11		Actual FY 12		Appropriated FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
I. POSITION DETAIL										
First Assistant Attorney General	105,000	1.0	105,000	1.0			105,000	1.0	105,000	1.0
Senior Assistant Attorney General	98,400	1.0	98,400	1.0			98,400	1.0	98,400	1.0
Assistant Attorney General	73,648	0.8	90,000	1.0			90,000	1.0	90,000	1.0
Criminal Investigator III	99,036	1.0	99,036	1.0			99,036	1.0	99,036	1.0
Criminal Investigator II	620,189	7.9	692,681	9.0			693,324	9.0	693,324	9.0
Auditor IV	85,200	1.0	65,026	0.8			76,800	1.0	76,800	1.0
Program Assistant I	41,400	1.0	45,165	1.0			46,200	1.0	46,200	1.0
Health Professional IV	23,534	0.3	57,702	0.8			70,200	1.0	70,200	1.0
Legal Assistant I	14,136	0.3								
Legal Assistant II	32,696	0.7	49,044	1.0			49,044	1.0	49,044	1.0
TOTAL POSITION DETAIL	1,193,239	15.0	1,302,054	16.6			1,328,004	17.0	1,328,004	17.0
(I.A.) CONTINUATION FTE SALARY COSTS	1,193,239	15.0	1,302,054	16.6			1,328,004	17.0	1,328,004	17.0
(Permanent FTE by position) Continuation Salary Subtotal										
(I.B.) OTHER PERSONAL SERVICES										
PERA on Continuation Subtotal	89,191		96,232				134,792		134,793	
Medicare on Continuation Subtotal	17,002		18,299				19,256		19,256	
Non-Base building Performance Award	5,000		4,000				-		-	
Part-Time/Temporary Salaries	-		1,699				-		-	
Professional Contractual Services	17,007		5,922				12,670		19,250	
Sick Leave Payouts	78		-				-		-	
Annual Leave Payouts	7,198		368				-		-	
Leave Payouts							-		-	
Furloughs	-		-				-		-	
Overtime	-		-				-		-	
Other	657		447				750		750	
SUBTOTAL	136,133	15.0	126,967	16.6			167,468	17.0	174,049	17.0
(I.C.) PERSONAL SERVICES SUBTOTAL=A+B	1,329,372	15.0	1,429,020	16.6			1,495,472	17.0	1,502,053	17.0
(I.D.) POTS EXPENDITURES										
Health/Life Dental	79,449		99,166				114,132		-	
Salary Survey							-		-	
Performance Awards										

SCHEDULE 3 - PROGRAM DETAIL

Department of Law

MEDICAID FRAUD GRANT

Item	Actual FY 11		Actual FY 12		Approp. FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Short Term Disability	1,998		2,299				2,351			
SB 04.257 A.E.D.	28,060		35,214				42,496			
SB 06.235 S.A.E.D.	20,502		28,293				36,520			
Other										
[] Indicates a Non-add										
(I.E.) BASE PERSONAL SERVICES TOTAL=	1,459,381	15.0	1,593,992	16.6			1,690,971	17.0	1,502,053	17.0
C+D										
(I.F.) DIFFERENCE- II.-I.E.										
(I.G.) REQUEST YEAR DECISION ITEMS										
General Fund										
Cash Funds										
Reappropriated Funds										
II. PERSONAL SERVICES REQUEST TOTAL	1,459,381	15.0	1,593,992	16.6			1,690,971	17.0	1,502,053	17.0
General Fund										
Cash Funds	364,845		398,498				422,828		375,512	
Reappropriated Funds										
Federal Funds	1,094,536		1,195,494				1,268,143		1,126,541	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

MEDICAID FRAUD GRANT

Item	Actual FY 14		Actual FY 12		Approp FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
OPERATING EXPENSES										
1930 Litigation	553		433				750		750	
2220 Building Grounds Maintenance	-		-				-		-	
2230 Equipment Contract Maintenance	42		3				-		-	
2231 ADP Equip Maint/Repair Services	314		1,104				450		450	
2232 Software Upgrades	1,688		495				1,212		1,212	
2240 Motor Veh Maint/Repair Svcs	-		-				-		-	
2251 Lease Motor Pool Vehicle	6,419		3,423				3,025		3,025	
2252 Motor Pool Mileage Charge	2,815		3,610				-		-	
2253 Equipment Rental	-		-				-		-	
2254 Rental of Motor Vehicles	-		-				-		-	
2255 Rental of Buildings	44,284		54,140				-		-	
2258 Parking Fees	4,725		3,960				3,500		3,500	
2259 Parking Fee Reimbursement	6		-				-		-	
2510 In State Travel	-		-				-		-	
2511 In State Common Carrier Fare	-		-				-		-	
2512 IS Personal Travel Per Diem	1,019		4,073				988		988	
2513 IS Personal Vehicle Reimbursement	181		80				50		50	
2520 IS Travel/Non Employee	-		-				-		-	
2522 IS Non-Emp - Pers Per Diem	-		-				-		-	
2523 IS Non-Emp - Pers Veh Reimb	-		-				-		-	
2530 Out of State Travel	481		246				500		500	
2531 OS Common Carrier Fares	1,710		1,672				1,200		1,200	
2532 OS Personal Travel Per Diem	6,338		4,509				3,972		3,972	
2533 OS Personal Vehicle Reimbursement	-		-				-		-	
2550 Out of Country Travel	-		-				-		-	
2552 OC Pers Travel Reimbursement	-		-				-		-	
2610 Advertising	-		-				-		-	
2630 Telephone	10,640		11,632				11,250		11,250	
2631 Comm Svcs from Outside Sources	10,412		8,480				10,544		10,544	
2641 Other ADP Billings - Purchase Services	5,080		3,293				250		250	
2650 OIT Purchased Svcs	0		-				-		-	
2660 Insurance	1,791		2,807				-		-	
2680 Contract Printing	469		13				450		450	
2981 Photocopy Reimbursement	-		-				-		-	
2810 Freight & Storage	-		-				-		-	
2820 Other Purchased Services	241		445				-		-	
2830 Office Moving/Purchased Services	-		-				-		-	
2831 Storage Purch Svcs	1		5				-		-	
3110 Other Supplies and Materials	-		-				-		-	
3112 Automotive Supplies	-		-				-		-	
3113 Clothing & Uniform Allowance	-		-				-		-	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law	Item	MEDICAID FRAUD GRANT									
		Actual FY 11		Actual FY 12		Approp. FY 13		Estimate FY 13		Request FY 14	
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
3114 Custodial		-		-		-		-		-	
3115 DP Supplies		527		56		-		-		-	
3116 Purchase/Leased Software		1,797		7		-		-		-	
3117 Educational		524		-		-		-		-	
3120 Books & Subscriptions		7,149		12,516		827		827		827	
3121 Office Supplies		4,675		2,541		10,128		10,128		10,128	
3122 Microfilming/Photo. Supplies		-		-		3,524		3,524		3,524	
3123 Postage		813		693		-		-		-	
3124 Printing		-		43		778		778		778	
3126 Repair & Maintenance/Supplies		-		-		-		-		-	
3128 Non-Capitalized Equipment		1,915		6,113		-		-		-	
3131 Non-Capitalized Building Materials		53,248		-		8,545		8,545		8,545	
3132 Non-Capitalized Furn/Office Systems		2,623		-		-		-		-	
3139 Non-Capitalized Fixed Asset Other		-		-		-		-		-	
3140 Non-Capitalized IT - PC's		8,652		129		-		-		-	
3141 Non-Capitalized IT - Servers		89		-		-		-		-	
3143 Non-Capitalized IT Other		1,955		94		-		-		-	
3146 Non-Capitalized IT Purch Servers SW		91		-		-		-		-	
3940 Electricity		-		-		-		-		-	
3950 Gasoline		-		-		-		-		-	
4100 Other Operating Expenses		-		-		-		-		-	
4105 Bank Card Fees		-		-		-		-		-	
4111 Prizes and Awards		125		-		-		-		-	
4140 Dues & Memberships		15,791		17,590		14,715		14,715		14,715	
4151 Interest Late Payments		-		-		-		-		-	
4170 Miscellaneous Fees		-		-		-		-		-	
4180 Official Functions		1,327		65		-		-		-	
4220 Registration Fees		709		4,664		800		800		800	
6140 Buildings and Improves. to Bldg.		-		-		-		-		-	
6210 Other Capital Equipment		-		-		-		-		-	
6212 IT Servers Direct Purchase		169		-		-		-		-	
6214 IT Other - Direct Purchase		101		-		-		-		-	
Operating Expense Subtotal:		201,491		148,936		77,457		77,457		77,457	
OPERATING EXPENSE TOTAL:		201,491		148,936		77,457		77,457		77,457	
General Fund		50,373		37,234		19,364		19,364		19,364	
Federal Funds		151,118		111,702		58,093		58,093		58,094	
Potted Operating Expenses											
Workers' Compensation											
Leased Vehicle Expense						3,003		3,003			

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

MEDICAID FRAUD GRANT

Item	Actual FY 11		Actual FY 12		Approp. FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Capital Complex Lease Space							51,946			
Leased Space Allocation							229			
IT Asset Maintenance							1,381			
Communication Service Payments							3,377			
ADP Capital Outlay										
CLE Registration Fees							1,125			
Building Security							5,758			
Total							70,306			
General Fund							17,232			
Cash Funds										
Reappropriated Funds										
Federal Funds							53,074			
FY 13 Decision Item:										
Med Fraud FTE										
General Funds									-	
Federal Funds									-	
Vacancy Savings										
General Funds									-	
Federal Funds									-	
TOTAL MEDICAID FRAUD										
General Fund	1,660,872	15.0	1,742,928	16.6			1,838,735	17.0	1,579,511	17.0
General Fund Exempt	415,218		435,732				459,383		394,876	
Cash Funds	-		-				-		-	
Reappropriated Funds	-		-				-		-	
Federal Funds	1,245,654		1,307,196				1,379,352		1,184,635	
RECONCILIATION OF FUNDS/REQUEST										
Long Bill Appropriation	1,341,607	14.0	1,579,511	17.0			1,579,511	17.0	1,579,511	17.0
Supplemental SB09-192										
SB 10-167 False Claims Act	276,580	3.0	(30,537)				-		-	
SB 11-76 PERA										
PERA adjustment back to 10.15% from 7.65%										
DPA NP Printing Statewide Warrants and Mainframe Docs										
Salary POTS	57,022		80,104				-		-	
Health/Life/Dental	1,618		1,915				107,117			
Short Term Disability	25,868		30,299				1,793			
SB 04.257 A.E.D.	18,861		24,347				43,055			
SB 06.235 S.A.E.D.							36,953			

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law	Item	MEDICAID FRAUD GRANT									
		Actual FY 11		Actual FY 12		Appropriation FY 13		Estimate FY 13		Request FY 12	
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
	Worker's Compensation	1,791		2,807				3,003			
	Leased Space Allocation	216		216				229			
	Capital Complex Lease Space	44,089		53,925				51,946			
	Vehicle Lease Allocation	6,419		3,551				3,487			
	IT Asset Maintenance	1,381		1,381				1,381			
	ADP Capital Outlay Allocation										
	Communication Service Payments	2,464		2,672				3,377			
	CLE Registration Fees	751		751				1,125			
	Building Security	4,256		5,268				5,758			
	Rollforward from Previous FY										
	Rollforward to Subsequent FY	(30,513)	(0.5)	(3,320)	(0.1)						
	Overexpenditure/(Reversion) - GF	(91,538)	(1.5)	(9,962)	(0.3)						
	Lapsed Appropriation Reappropriated Funds	1,660,872	15.0	1,742,928	16.6			1,838,735	17.0	1,579,511	17.0
	Lapsed Appropriation Federal Funds										
	TOTAL RECONCILIATION										
GRAND TOTAL		1,660,872	15.0	1,742,928	16.6	1,579,511	17.0	1,838,735	17.0	1,579,511	17.0
General Fund		415,218		435,732		394,876		459,383		394,876	
General Fund Exempt		-		-		-		-		-	
Cash Funds		-		-		-		-		-	
Reappropriated Funds		-		-		-		-		-	
Federal Funds		1,245,654		1,307,196		1,184,635		1,379,352		1,184,635	

SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES

Department of Law		MEDICAID FRAUD GRANT					
Item	Fund Number	Actual FY 2011	Actual FY 2012	Approp FY 2013	Estimate FY 2013	Request FY 2014	
Schedule 3 Total							
General Funds		1,660,872	1,742,928	1,579,511	1,838,735	1,579,511	
General Funds Exempt		415,218	435,732	394,876	459,383	394,876	
Cash Funds		-	-	-	-	-	
Reappropriated Funds		-	-	-	-	-	
Federal Funds		1,245,654	1,307,196	1,184,635	1,379,352	1,184,635	
Federal Funds							
Medicaid Fraud Federal Funds		1,245,654	1,307,196	1,184,635	1,379,352	1,184,635	

D) BACKGROUND INFORMATION: P.O.S.T. UNIT

Structure: The Colorado Peace Officer Standards and Training Board (P.O.S.T.) was established as a result of the enactment of federal legislation requiring equal protection by jurisdictions receiving federal funding (Title VII of the Rehabilitation Act of 1973).

The P.O.S.T. Board is composed of 20 members, of which three are statutory members: the Attorney General (Chairperson); the FBI Special Agent in Charge of the Denver Division of the Federal Bureau of Investigation; and the Executive Director of the Colorado Department of Public Safety. Seventeen members are appointed to 3-year terms by the Governor, and include one local government representative; one member of the general public; 6 active sheriffs; 6 active chiefs of police; and 3 line-level peace officers serving at the rank of sergeant and below.

The P.O.S.T. Staff consists of seven (7) classified staff members.

Primary Duties: The P.O.S.T. Board is statutorily responsible for the approval, inspection, and regulation of all basic and reserve peace officer training academy programs: to include the development of the basic, reserve peace officer, refresher academy curriculums program curriculums; instruction methodology training programs; skills training programs (arrest control tactics, firearms, and law enforcement driving) and skills instructor programs. The Board's responsibilities also include enforcement of statutes and rules related to peace officer academy enrollment; ensuring peace officer applicants are not convicted criminals; reviewing variance applications; and taking timely revocation action against any certified peace officer convicted of a felony or certain misdemeanors. P.O.S.T. is required to establish the standards for the renewal of expired Colorado peace officer certificates.

P.O.S.T. Staff members work with the four (4) Subject Matter Expert (SME) Committees, which include the Curriculum SME Committee, and three skills disciplines (Firearms, Arrest Control Tactics, and Law Enforcement Driving), to improve training delivery, administer practical examinations to individuals seeking Colorado peace officer certification under reciprocity. Over the years, Colorado P.O.S.T. has joined with its counterparts from other states to develop a reciprocity process for the evaluation for out-of-state peace officer applicants.

P.O.S.T. also participates in the Peace Officer Certification Information System (POCIS), a service provided through the International Association of International Association of Directors of Law Enforcement Standards and Training (IADLEST) and enters revocation data into the National Decertification Index (NDI). P.O.S.T. enters the personal data of individuals whose peace officer authority and peace officer certificates have been revoked by the P.O.S.T. Board. NDI can be accessed by all states and serves as a national clearing house which maintains the names of individuals who have been revoked and/or prohibited to serve as peace officers in other states.

During the 2003 Legislative Session, Senate Bill 03-103 was passed. The legislative intent of SB03-103 was to re-establish a statewide peace officer training program and to enable the P.O.S.T. Board to provide substantial training for certified peace officers. Since implementation, a twenty-five cent fee was collected on motor vehicle registrations and transferred to the P.O.S.T. Board Cash Fund pursuant to § 42-3-

134(32), C.R.S.. These revenues are used to provide funding for peace officer training programs as determined by the P.O.S.T. Board. Early on, P.O.S.T. established 10 training regions, which are based upon the state's 22 judicial districts. Law enforcement agencies within each training region are encouraged to work collaboratively and each region is required to develop training programs through the use of regional law enforcement planning groups and multi-agency collaborative efforts. The regions then annually submit a grant application on behalf of their region to P.O.S.T. Applications are reviewed by the P.O.S.T. Peace Officer Training Project Sub-committee, which then makes grant award recommendations to the P.O.S.T. Board.

This grant and training program has achieved significant success, and the project is still growing in participation. Prior to its implementation, advanced officer training had been in many cases sporadic, inconsistent and driven by the available financial resources of the communities our officer's serve. Now thousands of officers have received training that was previously unavailable prior to the P.O.S.T. grant program. P.O.S.T. had incurred an increase in operating costs, indirect and personnel costs from FY 01 to FY 09. In FY10, without additional revenues, P.O.S.T. awarded grants totaled \$1,579,853. In FY11, without additional revenues, P.O.S.T. awarded grants totaled \$1,720,707. For FY 12, P.O.S.T. awarded \$1,880,993 in grants.

The Department of Law and the Peace Officer Standards and Training Board (P.O.S.T.) pursued legislation during the 2009 Legislative Session. HB09-1036, was offered to increase the vehicle registration fee (from \$.25/vehicle to \$.60/vehicle) to provide additional training grant funds and pay program costs for the peace officer training board. This was approved. This fee is the Primary Funding Source for the P.O.S.T. Peace Officer Training Project.

The mission and goals of the Board has always been to set priorities to ensure monies are awarded to *assist the smaller and rural agencies* to develop and receive training that they might not be able to afford, but need in order to maintain or improve the proficiencies of their peace officers. The successful passage of HB09-1036 ensures the services it will provide for will have a real and identifiable impact on every county, city, town and neighborhood in the state and is directly related to the public safety of the citizens of Colorado.

Critical Issues: Since 2001, sixteen (16) new academies have applied for and have received approval from P.O.S.T. to conduct basic, reserve, and refresher academy training programs. This process requires the P.O.S.T. Investigator to accept, review and process the academy applications, course descriptions and schedules, lesson plans, site depiction, and instructor credentials. The investigator forwards all skills training course and instructor information to each of the Subject Matter Expert (S.M.E.) Committees for review and approval. The P.O.S.T. investigator is also responsible for all academy and program inspections, which requires travel to each of the 31 training academies. The P.O.S.T. Investigator and S.M.E. Committee members are regularly and routinely required to travel to the numerous academies located in Alamosa, Buena Vista, Colorado Springs (3 academies), Delta, Durango, Fort Collins, Glenwood Springs, Grand Junction,

Greeley (2 academies), La Junta, Pueblo (2 academies), Teller County and numerous Denver Metro area locations.

P.O.S.T. Staff electronically maintains the peace officer certification record and data for approximately 13,554+- active peace officers. P.O.S.T. is also responsible for the maintenance of the certification records of many thousands of individuals who were at one time appointed as active peace officers, but who no longer serve as peace officers.

In February 2001, the Colorado Peace Officer Standards and Training Board (P.O.S.T.) and Anti Defamation League (ADL) formed a partnership to develop a training program to specifically address 4th Amendment, Ethics and Anti-Bias Training for Colorado peace officers. The P.O.S.T./ADL partnership has produced the very successful "*Anti-Bias Training for Law Enforcement Officers*". This quality program was tailored to the unique culture of law enforcement and developed with input from both officers and citizens. The training has been well received by peace officers and law enforcement agencies throughout the State of Colorado and the communities they serve. Additionally, in 2005 the P.O.S.T. Board adopted an 8-hour Anti-Bias and Ethics Standard for every student attending a P.O.S.T. approved basic peace officer or reserve peace officer training program. The standard ensures that all new officers will receive anti-bias training. As a result, P.O.S.T. and ADL created an academy version of the "*Anti-Bias Training for Law Enforcement Officers*" curriculum and conducted several train-the-trainer sessions for law enforcement academy instructors. This new curriculum provides these instructors with the skills and materials needed to train their academy students in the required anti-bias and ethics standards.

In 2008, P.O.S.T./ADL received state and federal training grants allowing development of a multimedia (internet) training program and full implementation of our successful "*Anti-Bias Training for Law Enforcement Officers*" curriculum. This multimedia program addresses the same core competencies and student outcomes as the in-class program. The program is available in multimedia format to any officer, for use at their convenience and at any computer.

The DNA Bill (HB08-1397) has generated additional training costs for the Peace Officer Standards and Training (POST) Board because the bill requires the board to certify the curriculum regarding the proper techniques, practices, and protocols for peace officers to collect and retain DNA and biological evidence from crime scenes. A contract employee needed in the first year was hired to develop, certify, and implement the training course and to provide training seminars for instructors at the 27 law enforcement training academies located throughout the state. Persons who enrolled in a training academy on or after March 1, 2009 receive the training required within HB08-1397. The statutory requirement of August 1, 2009, was accomplished on December 5, 2008.

1. P.O.S.T. has developed a specialized a "*P.O.S.T. DNA Internet Training Course*" (similar to P.O.S.T.'s "*Anti-Bias Training for Law Enforcement Officers*" Internet Program) and certification program that concentrates on the proper techniques, practices, and protocols for evidence collection and retention with emphasis on evidence that may contain biological or DNA evidence. The program has allowed

access to Colorado Peace Officers certified by the P.O.S.T. Board, with a launch date of September 1, 2009. Tuition costs for the peace officers accessing the internet training will be absorbed by P.O.S.T. from within the Peace Officer Training Project, beginning on September 1, 2009, ending June 30, 2011.

II) HOT ISSUES:

P.O.S.T.'s responsibility for the certification and training of Colorado Peace Officers is a critical link between federal agencies, state agencies, and local government agencies. P.O.S.T. will continue to review the educational requirements and certification needs of Colorado peace officers. Currently, P.O.S.T. is working with several state associations to assess the issue of decertification of Police officers who depart from the truth.

III) WORKLOAD MEASURE:

At its periodic meetings, the P.O.S.T. Board considers appealed variance requests and may hold hearings of appealed suspension, revocation, or denial rulings made by the P.O.S.T. Director.

The Board also reviews applications for program approval. Additionally, the P.O.S.T. Board conducts Rule Making Hearings to modify or implement P.O.S.T. Rules as a result of changes made during the legislative session, at the request of Staff, or to coincide with case law.

Staff also reviews the certification records of peace officers from bordering states applying for Colorado peace officer certification or involved in temporary assignment to law enforcement agencies in Colorado (see § 29-1-206, C.R.S.).

Recent Legislative Actions Affecting P.O.S.T. Workload

- HB 12-1163 eliminates the authority of the Peace Officer Standards and Training (POST) Board to grant conditional peace officer status. The bill also allows a person to be granted provisional peace officer status if he or she has been authorized to act as a peace officer in another state or federal jurisdiction *within the last three years*, in addition to the current requirement that he or she has served in good standing in the other jurisdiction for one year.
- During the 2009 Legislative Session, **HB09-1036**, *Concerning Increasing the Amount Deposited into the Peace Officer Standards and Training Board Cash Fund by Increasing the Registration Fee for Certain Classes of Personal Property, and Making an Appropriation in Connection Therewith*, was passed. This Bill increases

the registration fee for certain classes of personal property from twenty-five cents to sixty cents to be credited to the P.O.S.T. Board cash fund.

- During the 2010 Legislative Session, **HB10-1284**, *Concerning Regulation of Medical Marijuana, and Making an Appropriation Therefore*, was passed. This Bill amends Title 12, Colorado Revised Statutes, by adding a new article that shall be known and may be cited as the “Colorado Medical Marijuana Code.” This Bill also recognizes the Director of marijuana enforcement and medical marijuana enforcement investigator as peace officers.

SCHEDULE 2 - PROGRAM SUMMARY

Department of Law		PEACE OFFICERS STANDARDS & TRAINING BOARD									
		Actual FY 11		Actual FY 12		Approp FY 13		Estimate FY 13		Request FY 14	
Item		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
POST Board		2,565,711	6.5	2,612,975	4.6	2,683,620	7.0	2,792,253	7.0	2,683,620	7.0
General Fund		-		-		-		-		-	
General Fund Exempt		-		-		-		-		-	
Cash Funds		2,565,711		2,612,975		2,683,620		2,792,253		2,683,620	
Reappropriated Funds		-		-		-		-		-	
Federal Funds											

SCHEDULE 3 - PROGRAM DETAIL

PEACE OFFICERS STANDARDS & TRAINING BOARD

Department of Law

Item	Actual FY 11		Actual FY 12		Appropriation FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
I. POSITION DETAIL										
General Professional VI	98,760	1.0	96,800	1.0			98,760	1.0	98,760	1.0
General Professional V	52,300	0.7	73,986	0.9			65,772	1.0	65,772	1.0
General Prof IV							66,876	1.0	66,876	1.0
Compliance Investigator II	66,876	1.0	66,876	1.0						
Data Specialist	35,723	1.0	8,045	0.2						
Technician III	37,708	0.8	1,239	0.0						
Administrative Asst II			8,753	0.2			44,736	1.0	44,736	1.0
Program Assistant II	49,200	1.0	41,000	0.8			36,000	1.0	36,000	1.0
Program Assistant I	43,200	1.0	16,374	0.4			49,200	1.0	49,200	1.0
TOTAL POSITION DETAIL	383,767	6.5	313,074	4.6			404,544	7.0	404,544	7.0
(I.A.) CONTINUATION FTE SALARY COSTS										
(Permanent FTE by Position)										
Continuation Salary Subtotal										
(I.B.) OTHER PERSONAL SERVICES										
PERA on Continuation Subtotal	28,925		27,325				41,061		41,061	
Medicare on Continuation Subtotal	5,493		5,210				5,866		5,866	
Non-Base building performance Award										
Part Time/Temporary Services	7,695		28,158				-	0.0	-	
Contractual Services	62,317		197,244				-		-	
Overtime Payments	-		5,106				248,575		247,781	
Termination/Retirement Payouts										
Furlough	-		-							
Leave Payout	558		17,099				-		-	
Sick Leave Payout	-		2,129				-		-	
Unemployment Payout			6,548				-		-	
SUBTOTAL	104,989		288,817				295,502		294,708	
(I.C.) PERSONAL SERVICES										
SUBTOTAL= A+B	488,756	6.5	601,891	4.6			700,046	7.0	699,252	7.0
(I.D.) POTS EXPENDITURES										
Health/Life Dental										
Salary Survey	39,478		19,036				46,496			
Performance Awards										

SCHEDULE 3 - PROGRAM DETAIL

Department of Law PEACE OFFICERS STANDARDS & TRAINING BOARD

Item	Actual FY 11		Actual FY 12		Appropriation FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Short Term Disability	623		544				716			
SB 04.257 A.E.D.	9,129		10,033				12,945			
SB 06.235 S.A.E.D.	6,685		8,076				11,125			
Other	1,143		1,275							
[] Indicates a Non-add										
(I.E.) BASE PERSONAL SERVICES TOTAL=	545,815	6.5	640,855	4.6			771,328	7.0	699,252	7.0
C+D										
(I.F.) DIFFERENCE=II-I.E.										
(I.G.) REQUEST YEAR DECISION ITEMS										
General Fund										
Cash Funds										
Reappropriated Funds										
II. PERSONAL SERVICES REQUEST TOTAL	545,815	6.5	640,855	4.6			771,328	7.0	699,252	7.0
General Fund										
General Fund Exempt										
Cash Funds										
Reappropriated Funds										
Federal Funds										

SCHEDULE 3 - OPERATING PROGRAM DETAIL

PEACE OFFICERS STANDARDS & TRAINING BOARD

Department of Law

Item	Actual FY 11		Actual FY 12		Approp. FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
OPERATING EXPENSES										
2170 Waste Disposal Services	-		-				-		-	
2230 Equipment Contract Maintenance	1,399		20				1,250		1,250	
2231 ADP Equip Maint/Repair Services	1,876		1,664				2,250		2,250	
2232 Software Upgrades	5,899		6,167				-		-	
2240 Motor Veh Maint/Repair Svcs	-		-				-		-	
2250 Misc Rentals	-		-				-		-	
2251 Lease Motor Pool Vehicle	2,483		2,375				-		-	
2252 Motor Pool Mileage Charge	3,114		2,061				3,215		3,215	
2253 Equipment Rental	-		-				-		-	
2254 Rental of Motor Vehicles	-		-				-		-	
2255 Rental of Buildings	22,043		22,205				-		-	
2258 Parking Fees	1,320		1,320				-		-	
2259 Parking Fee Reimbursement	639		337				400		400	
2510 In State Travel	-		-				-		-	
2512 IS Personal Travel Per Diem	3,995		2,021				3,886		3,886	
2513 IS Personal Vehicle Reimbursement	170		320				-		-	
2514 State Owned Aircraft	-		-				-		-	
2520 IS Travel/Non Employee	-		25				-		-	
2523 IS/Non-Emp - Pers Veh Reimb	-		-				-		-	
2530 Out of State Travel	149		122				150		150	
2531 OS Common Carrier Fares	-		645				-		-	
2532 OS Personal Travel Per Diem	597		2,776				225		225	
2533 OS Personal Vehicle Reimbursement	-		-				-		-	
2540 OS Travel - Non Emp	-		87				-		-	
2541 OS Non Emp - Comm Carrier	-		209				-		-	
2542 OS/Non Employee Pers Per Diem	-		393				-		-	
2550 Out of Country Travel	-		-				-		-	
2552 OC Pers Travel Reimbursement	-		-				-		-	
2630 Telephone	4,135		3,830				4,214		4,214	
2631 Comm Svcs from Outside Sources	266		420				275		275	
2641 Other ADP Billings - Purchase Services	59		-				215		215	
2650 OIT Purchased Services	3		-				-		-	
2660 Insurance	895		1,156				-		-	
2680 Contract Printing	5,713		5,248				8,700		8,700	
2681 Photocopy Reimbursement	-		-				-		-	
2690 Other Pur Services - Legal	12,676		12,314				11,532		11,532	
2810 Freight & Storage	-		-				-		-	
2820 Other Purchased Services	16		-				-		-	
2830 Office Moving/Purchased Services	-		-				-		-	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

PEACE OFFICERS STANDARDS & TRAINING BOARD

Department of Law

Item	Actual FY 11		Actual FY 12		Approp. FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
2831 Storage - Purch Svs	5		33							
3110 Other Supplies and Materials	-		-						-	
3112 Automotive Supplies	-		-						-	
3113 Clothing & Uniform Allowance	-		-						-	
3114 Custodial	-		-						-	
3115 DP Supplies	200		91				189		189	
3116 Purchase/Leased Software	431		46				-		-	
3117 Educational	-		-				75		75	
3120 Books & Subscriptions	882		8,959				212		212	
3121 Office Supplies	5,471		3,991				4,360		4,360	
3122 Microfilming/Photo. Supplies	33		46				39		39	
3123 Postage	4,159		4,336				4,250		4,250	
3124 Printing	-		337				-		-	
3126 Repair & Maintenance/Supplies	-		-				-		-	
3128 Non-Capitalized Equipment	2		-				-		-	
3131 Non-Capitalized Building Materials	-		-				-		-	
3132 Non-Capitalized Furn/Office Systems	1,460		-				-		-	
3140 Non-Capitalized IT PC's	3,519		802				-		-	
3141 Non-Capitalized IT - Servers	550		-				-		-	
3143 Non-Capitalized IT Other	864		10				-		-	
3146 Non-Capitalized IT Purchased Server	565		-				-		-	
3940 Electricity	-		-				-		-	
3950 Gasoline	-		-				-		-	
4100 Other Operating Expenses	-		-				-		-	
4111 Prizes and Awards	-		-				-		-	
4140 Dues & Memberships	-		-				-		-	
4151 Interest Late Payments	1,585		3,076				1,475		1,475	
4170 Miscellaneous Fees	-		-				-		-	
4180 Official Functions	1,351		1,646				-		-	
4220 Registration Fees	800		2,040				1,200		1,200	
5110 Grants to Cities	-		-				-		-	
5120 Grants to Counties	-		-				-		-	
5520 Distributions Counties	-		1,628				-		-	
5776 State Grant - Interfund	46,668		34,685				35,595		35,595	
5781 Grants to NonGov/Organizations	1,882,233		1,844,682				1,900,661		1,900,661	
6140 Buildings and Improves. to Bldg.	-		-				-		-	
6210 Other Capital Equipment	-		-				-		-	
6212 IT PC SW Direct Purchase	1,046		-				-		-	
6213 IT Servers Direct Purchase	-		-				-		-	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

PEACE OFFICERS STANDARDS & TRAINING BOARD

Item	Actual FY 11		Actual FY 12		Approp FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
6214 IT Other Direct Purchase	626	-	-	-	-	-	-	-	-	-
6220 Office Furn & Equip	-	-	-	-	-	-	-	-	-	-
6280 Other Capital Equipment (direct purchase)	-	-	-	-	-	-	-	-	-	-
6410 ADP Equipment-Lease Purchase	-	-	-	-	-	-	-	-	-	-
7520 Intra Fund Transfer-Other	-	-	-	-	-	-	-	-	-	-
Operating Expense Subtotal:	2,019,896	-	1,972,120	-	-	-	1,984,368	-	1,984,368	-
OPERATING EXPENSE TOTAL:	2,019,896	-	1,972,120	-	-	-	1,984,368	-	1,984,368	-
General Fund										
General Funds Exempt										
Cash Funds	2,019,896	-	1,972,120	-	-	-	1,984,368	-	1,984,368	-
Reappropriated Funds										
Potted Operating Expenses										
Workers' Compensation										
Leased Vehicle Expense							1,237			
Capital Complex Lease Space							2,477			
Leased Space							21,390			
IT Asset Maintenance							-			
ADP Capital Outlay							9,082			
Building Security							-			
Total							2,371			
General Fund							36,557			
Cash Funds							-			
Reappropriated Funds							36,557			
FY13 DECISION ITEM REQUEST										
General Fund							-			
Cash Funds							-			
TOTAL POST BOARD										
General Fund										
General Fund Exempt										
Cash Funds	2,565,711	6.5	2,612,975	4.6	2,683,620	7.0	2,792,253	7.0	2,683,620	7.0
Reappropriated Funds	-	-	-	-	-	-	-	-	-	-
TOTAL POST BOARD	2,565,711	6.5	2,612,975	4.6	2,683,620	7.0	2,792,253	7.0	2,683,620	7.0
General Fund										
General Fund Exempt										
Cash Funds	2,565,711	-	2,612,975	-	2,683,620	-	2,792,253	-	2,683,620	-
Reappropriated Funds										

SCHEDULE 3 - OPERATING PROGRAM DETAIL

PEACE OFFICERS STANDARDS & TRAINING BOARD

Department of Law

Item	Actual FY 11		Actual FY 12		Approp. FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Federal Funds										
RECONCILIATION OF FUNDS/REQUEST										
Long Bill Appropriation	2,681,744	7.0	2,683,620	7.0	2,683,620	7.0	2,683,620	7.0	2,683,620	7.0
Salary Survey-Classified										
PBP - Classified			(8,920)				-		-	
SB 11-76 PERA Reduction										
PERA change back to 10.15%										
DPA NP Printing Statewide Warrants and Mainframe Docs										
Special Bill - HB08-1397										
Supplemental HB 10-1305										
HB 09-1036 Increase Motor Veh. Reg Fees										
Salary POTS										
Health/Life/Dental	33,176		49,285				46,496			
Short Term Disability	394		663				639			
SB 04.257 A.E.D.	6,561		10,493				13,414			
SB 06.235 S.A.E.D.	4,784		8,432				11,527			
Workers Compensation	895		1,156				1,237			
Capital Complex Lease Space	22,044		-				21,390			
Leased Space Allocation	1,676		2,375				2,477			
Vehicle Lease Allocation	2,128		2,169				2,371			
Building Security	8,550		8,550				9,082			
IT Asset Maintenance										
ADP Capital Outlay Allocation										
Rollforward from Previous FY										
Rollforward to Subsequent FY										
Overexpenditure/(Reversion) - GF										
Lapsed Appropriation Cash Fund	(196,241)	(0.5)	(144,848)	(2.5)						
Lapsed Appropriation Cash Fund Exempt	2,565,711	6.5	2,612,975	4.5			2,792,253	7.0		
TOTAL RECONCILIATION										
	2,565,711	6.5	2,612,975	4.6	2,683,620	7.0	2,792,253	7.0	2,683,620	7.0
GRAND TOTAL										
General Fund										
General Fund Exempt	-		-		-		-		-	
Cash Funds	2,565,711		2,612,975		2,683,620		2,792,253		2,683,620	
Reappropriated Funds	-		-		-		-		-	
Federal Funds										

SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES

Department of Law		PEACE OFFICERS STANDARDS & TRAINING BOARD					
Item	Fund Number	Actual	Actual	Approp	Estimate	Request	
		FY 2011	FY 2012	FY 2013	FY 2013	FY 2014	
Schedule 3 Total		2,565,711	2,612,975	2,683,620	2,792,253	2,683,620	
General Funds		-	-	-	-	-	
General Funds Exempt		-	-	-	-	-	
Cash Funds		2,565,711	2,612,975	2,683,620	2,792,253	2,683,620	
Reappropriated Funds		-	-	-	-	-	
Cash Funds	296	2,565,711	2,612,975	2,683,620	2,792,253	2,683,620	
POST Board Fund							
Reappropriated Funds	296	-	-	-	-	-	
POST Board Fund Reserve							

I) BACKGROUND INFORMATION: SAFE2TELL

Safe2Tell is a 501c3 not-for-profit organization based on the Colorado Prevention Initiative for School Safety. The state augments these efforts through state resources associated with the 1.0 FTE, who serves as the Executive Director. This position was transferred to the Department of Law from the Department of Public Safety, starting in FY 2010-11.

The program is an anonymous reporting system/mechanism for use by Colorado school children, administrators and teachers, parents and others in the community. The Safe2Tell hotline is manned by the Colorado State Patrol Denver Communications Center. Tips are anonymous and cover a wide variety of topics related to the broad goals of protecting student safety both in schools and in their communities.

The executive director manages the hotline and responses to Safe2Tell tips; provides training for students and teachers; speaks to community groups; seeks support of state and local law enforcement and education officials; and generally encourages students to report unsafe, unhealthy behaviors by their peers. Established as a private non-profit organization, Safe2Tell has a volunteer board and employs three other staff who report to the executive director and whose activities further Safe2Tell's mission.

For the first five years of its existence, Safe2Tell operated in conjunction with the Colorado Attorney General's Office. The program grew out of the Columbine tragedy in 1999 and was promoted by the Attorney General and other leaders as the only vehicle dedicated to anonymous reporting of school shooting threats. Follow up is done at the community law enforcement-level and affected schools are made aware of threats or problems that could impact their student body.

II) PRIOR YEAR LEGISLATION

The Safe2Tell program was the subject of Senate Bill 12-079, "Concerning Revisions to the Safe2Tell Program Relating to Advances in Communications Technology." The act clarifies the existing structure of the Safe2Tell program as a single entity under that name and removes all references to a "hotline" to reflect that the program receives information through various methods of transmission in addition to telephone calls. In addition, the legislation clarifies that information received by the program through methods established by the program is confidential and is not subject to subpoena except under certain conditions. Materials that are confidential pursuant to the statute are not public records and the attorney general has standing on behalf of the program to oppose the disclosure of confidential materials.

III) WORKLOAD MEASURES

From September 2004 to May 2012, numerous calls, web reports and text tips have resulted in 6,151 tip reports from 163 Colorado cities and 59 counties. They include (but are not limited to) the following categories:

- 1,546 Bullying
 - 225 Assaults
 - 28 Prevented planned school attacks
 - 962 Drugs/alcohol
 - 219 Cutting
 - 48 Domestic violence
 - 799 Suicide interventions
 - 200 Fighting
 - 17 Animal cruelty
 - 706 Threats of violence
 - 56 Gangs
 - 65 Thefts
 - 361 Harassment
 - 272 Guns/weapons
 - 56 Sexting
 - 359 Sexually-related crimes
 - 318 Child abuse
 - 54 Vandalism

SCHEDULE 2 - PROGRAM SUMMARY

Department of Law	Item	Actual FY 11		Actual FY 12		Approp FY 13		Estimate FY 13		Request FY 14		Safe2Tell
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
	Safe2Tell	109,946	1.0	106,805	1.0	100,686	1.0	110,051	1.0	100,686	1.0	
	General Fund	109,946		106,805		100,686		110,051		100,686		
	General Fund Exempt	-		-		-		-		-		
	Cash Funds	-		-		-		-		-		
	Reappropriated Funds	0		0		0		-		-		
	Federal Funds	-		-		-		-		0		

SCHEDULE 3 - PROGRAM DETAIL

Department of Law

Safe2Tell

Item	Actual FY 11		Actual FY 12		Approp FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
I. POSITION DETAIL										
General Professional VI	93,384		93,384				93,384	1.0	93,384	1.0
TOTAL POSITION DETAIL	93,384	-	93,384	-			93,384	1.0	93,384	1.0
(I.A.) CONTINUATION FTE SALARY COSTS										
(Permanent FTE by position)										
Continuation Salary Subtotal	93,384	1.0	93,384	1.0			93,384	1.0	93,384	1.0
(I.B.) OTHER PERSONAL SERVICES										
PERA on Continuation Subtotal	7,549		6,716				9,478		9,478	
Medicare on Continuation Subtotal	1,354		1,354				1,354		1,354	
Non-Base Building Performance Awards	-		-							
Contractual	304		-							
Furlough Days	-		-							
Other	-		-							
SUBTOTAL	9,207		8,070				10,833		10,833	
(I.C.) PERSONAL SERVICES SUBTOTAL=										
A+B	102,591	1.0	101,454	1.0			104,217	1.0	104,217	1.0
(I.D.) POTS EXPENDITURES										
Health/Life Dental	113		113				113			
Salary Survey							-			
Performance Awards							-			
Short Term Disability	158		165				165			
SB 04.257 A.E.D.	2,210		2,817				2,988			
SB 06.235 S.A.E.D.	1,595		2,257				2,568			
Other										
[] Indicates a Non-add										
(I.E.) BASE PERSONAL SERVICES TOTAL=										
C+D	106,666	1.0	106,805	1.0			110,051	1.0	104,217	1.0
(I.F.) DIFFERENCE= II- I.E.										

SCHEDULE 3 - PROGRAM DETAIL

Department of Law

Safe2Tell

Item	Actual FY 11		Actual FY 12		Approp FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
(I.G.) REQUEST YEAR DECISION ITEMS										
General Fund										
Cash Funds										
Reappropriated Funds										
II. PERSONAL SERVICES REQUEST TOTAL										
General Fund	106,666	1.0	106,805	1.0			110,051	1.0	104,217	1.0
Cash Funds	106,666		106,805				110,051		104,217	
Reappropriated Funds									-	
Federal Funds									-	

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law		Safe2Tell											
Item	Actual FY 11		Actual FY 12		Approp FY 13		Estimate FY 13		Request FY 14		Safe2Tell		
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE			
OPERATING EXPENSES													
2230 Equipment Maintenance/Repair Svcs	-		-						-				
2231 ADP Equip Maint/Repair Services	-		-						-				
2232 Software Upgrades	-		-						-				
2254 Rental of Motor Vehicles	-		-						-				
2255 Rental of Buildings	3,149		-										
2258 Parking Fees	-		-										
2512 IS Personal Travel Per Diem	-		-										
2513 IS Personal Vehicle Reimbursement	-		-										
2532 OS Personal Travel Per Diem	-		-										
2630 Telephone	-		-										
2631 Comm Svcs from Outside Sources	-		-										
2641 Other ADP Billings - Purchase Services	-		-						-				
2660 Insurance	128		-										
2680 Contract Printing	-		-										
3115 Data Processing Supplies	-		-										
3116 Purchase/Leased Software	-		-										
3117 Educational	-		-										
3120 Books & Subscriptions	-		-										
3121 Office Supplies	3		-										
3122 Microfilming/Photo. Supplies	-		-										
3123 Postage	-		-										
3140 Non-Capitalized IT - PCs	-		-										
3141 Non-Capitalized IT - Servers	-		-										
3143 Non-Capitalized IT - Other	-		-										
3146 Non-Capitalized IT Purchased Server SW	-		-										
4140 Dues & Memberships	-		-										
4220 Registration Fees	-		-										
6212 IT Servers - Direct Purchase	-		-										
6213 IT PC SW - Direct Purchase	-		-										
Operating Expense Subtotal:													
	3,280		-						-				
OPERATING EXPENSE TOTAL:													
General Fund	3,280		-						-				
Reappropriated Funds	3,280		-						-				

SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law		Safe2Tell									
Item	Actual FY 11		Actual FY 12		Approp FY 13		Estimate FY 13		Request FY 14		
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	
Potted Operating Expenses											
### Workers' Compensation							-				
Leased Space Allocation							-				
IT Asset Maintenance											
ADP Capital Outlay											
Building Security											
Total											
General Fund											
General Fund											
Reappropriated Funds											
Projected Shortfall											
GF							-			(3,531)	
							-				
TOTAL SAFE2TELL											
General Fund	109,946	1.0	106,805	1.0	100,686	1.0	110,051	1.0	100,686	1.0	1.0
Reappropriated Funds					100,686		110,051		100,686		
Federal Funds					-		-		-		
RECONCILIATION OF FUNDS/REQUEST											
Long Bill Appropriation	98,351		100,686				100,686	1.0	100,686	1.0	1.0
Federal Grant											
Classified Salary POTS											
Health/Life/Dental	4,600		4,819				3,741				
Short Term Disability							138				
SB 04.257 A.E.D.	4,000		1,371				2,957				
SB 06.235 S.A.E.D.	3,000						2,529				
Capital Complex Lease Space	3,149						-				
Workers Compensation	128						-				
Vehicle Lease Allocation											
IT Asset Maintenance											
ADP Capital Outlay Allocation											
Building Security	304										
Rollforward from Previous FY year											
Restriction											
Overexpenditure/(Reversion) - GF	(3,586)		(71)								

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SCHEDULE 3 - OPERATING PROGRAM DETAIL

Department of Law

Safe2Tell

Item	Actual FY 11		Actual FY 12		Approp FY 13		Estimate FY 13		Request FY 14	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Lapsed Appropriation Reappropriated Funds										
Lapsed Appropriation Federal Funds										
TOTAL RECONCILIATION										
	109,946	1.0	106,805	1.0			110,051	1.0	100,686	1.0
GRAND TOTAL										
General Fund	109,946	1.0	106,805	1.0	100,686	1.0	110,051	1.0	100,686	1.0
General Fund Exempt	-		-		-		-		-	
Cash Funds	-		-		-		-		-	
Reappropriated Funds	-		-		-		-		-	
Federal Funds										

SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES

Department of Law		Fund Number	Actual FY 2011	Actual FY 2012	Approp FY 2013	Estimate FY 2013	Request FY 2014	Safe2Tell
Item								
Schedule 3 Total								
General Funds			109,946	106,805	100,686	110,051	100,686	
General Funds Exempt			109,946	106,805	100,686	110,051	100,686	
Cash Funds			-	-	-	-	-	
Reappropriated Funds			-	-	-	-	-	
Federal Funds			-	-	-	-	-	
Reappropriated Funds								
Victim Assistance & Law Enforcement Fund			-	-	-	-	-	
Federal Funds								
Federal VOCA Grant			-	-	-	-	-	

D) BACKGROUND INFORMATION: VICTIM ASSISTANCE UNIT.

Under Colo. Const. Art. II, § 16a and Colo. Rev. Stat. §§ 24-4.1-302, *et seq.*, victims of certain crimes have the right to be informed of and present for each critical stage of the criminal justice process. To this end, law enforcement agencies are required to provide certain services to all victims of crime against persons. The Department of Law Victim Services is provided by 1 FTE, the Victim Services Coordinator. The Victim Services Coordinator carries out these duties for both the (Criminal) Appellate Division and the trial prosecutions within the Criminal Justice Section in the Attorney General's office. The Coordinator helps over 1200 victims each year. These duties entail providing status information, explanations, court accompaniment, referral, and liaison services to crime victims in Appellate, Special Prosecutions, Medicaid fraud, and, occasionally, capital cases. Also, under Sec. 18-3-417, when there is a disciplinary case involving a licensed professional who is accused of a sex offense, the Victim Services Coordinator advises the victim of the alleged offense of their right to pursue criminal and civil action and provides the victim with information about the Colorado Victim Rights Act.

The Coordinator provides status information, explanations, court accompaniment, referral, and liaison services to the victim as his or her case progresses through the "critical stages" of the criminal justice process. Depending on whether the case is an appellate or trial-level proceeding, the critical stages and nature of additional services vary. These services are non-duplicative of any other services in the state. The VSC enables crime victims and their families to keep informed about the legal events in their cases.

II) PRIOR YEAR LEGISLATION

The Victim Assistance Unit did not sponsor or promote any legislation in FY 2011-2012.

III) HOT ISSUES

People v. Nathan Dunlap

In 1996, an El Paso County jury sentenced Nathan Dunlap to death for the 1993 execution murders of four employees--three of whom were teenagers--of an Aurora Chuck E Cheese's children's restaurant.

During the years between the 1996 conviction and death sentence and this fiscal year, the Attorney General's office has prosecuted the appeals of multiple state level appeals, in the Court of Appeals and the Colorado Supreme Court. There have been motions before the Federal Court and the U.S. Supreme Court.

The Victim Services Coordinator has kept 17 family members informed of the legal events on appeal, and has communicated with Arapahoe County District Court when the motions are at the District Court.

Most recently, there was a motion filed by the defendant in the Tenth Circuit raising complaints of ineffective assistance of counsel at trial. Oral argument was held in the Court, and the Victim Services Coordinator accompanied seven of the family members to the hearing. The Tenth Circuit denied the defendant's appeal, affirmed the trial courts ruling, and denied the defendant's petition for rehearing.

People v. Dominic Dale Duran, and People v. Angel Montoya

This is a case involving two men who came uninvited to a house party in Jefferson County. The house was crowded with teenagers. The two men became confrontational, shouted that they had a gun, and were told to leave. As they left the house and moved towards their car, each of the co-defendants used the same gun to fire five shots each at the house. As a result of their conduct, a 17-year-old girl inside the house was shot in the head, and died. Tried together on charges of first-degree murder-extreme indifference, both the defendant and co-defendant were convicted of the lesser offenses of attempted first-degree murder-extreme indifference, and reckless manslaughter.

In April of 2011, the Court of Appeals reversed Duran's attempted murder conviction because of an erroneous jury instruction, and it vacated the reckless manslaughter conviction on sufficiency grounds. In August of 2011, the Court of Appeals reversed Montoya's convictions because of a different erroneous jury instruction. Duran's case has been remanded to Jefferson County for retrial, and Montoya's case is now scheduled to be heard by the Colorado Supreme Court.

The Victim Services Coordinator has kept the family of the victim informed of the legal events, has accompanied them to oral argument in the Court of Appeals, and is continuing to provide support and information.

People v. Myrl Serra

In September, 2010, Myrl Serra, who was the elected District Attorney of the Seventh Judicial District, was arrested for sexual offenses. The three named victims were all employees in the Montrose District Attorney's office.

Governor Ritter appointed the Attorney General's office as Special Prosecutor in the case. First Attorney General Robert Shapiro was the Prosecutor, and Judy Page was the Victim Advocate during the eighteen months of legal proceedings.

The three victims were provided with their rights as crime victims, and there was a successful prosecution. A jury in Montrose, Colorado convicted Serra of felony bond violation and protection order violation, which carried a minimum of twelve months incarceration. A plea agreement was reached in the three counts of unlawful sexual contact and three counts of criminal extortion, and sentences of four years of probation and sex offender treatment and sex offender registry were imposed. Serra was required to surrender his license to practice law.

The proceedings were complicated by the distance between Denver and Montrose, the special position of authority that the defendant held over his victims, the small community of Montrose and public awareness of the details of these crimes. The victims have told Mr. Shapiro and Ms. Page that they were satisfied with the outcome and knew that the Attorney General's staff provided professional and thorough services.

IV) WORKLOAD MEASURE:

Objective: To provide statutorily mandated services to all crime victims whose cases will open on appeal in the Appellate Division or are litigated by the special prosecutions, Medicaid Fraud and as determined, the Capital Crimes Unit of the Criminal Justice Section.

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
To provide service to all victims of violent crime whose cases will open on appeal or prosecuted within the Attorney General's Office this year.	Target	1250	1250	1250	1250
	Actual	1450	1400	1800	

Objective: To play an active role in the statewide coordination of victim services.

Workload Measure		FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
Participate on a number of ongoing statewide victim services boards, task forces, and committees.	Target	6	6	6	6
	Actual	7	7	6	

VICTIMS ASSISTANCE CORE OBJECTIVES AND PERFORMANCE MEASURE

Performance Measure	Outcome	FY 11 Actual	FY 12 Actual	FY 13 Estimate	FY 14 Request
Accompany victims to oral arguments to the Court of Appeals and the Colorado Supreme Court	Target	24	24	24	24
	Actual	24	26	25	

Similar or Cooperating Programs: The Victim Services Coordinator works cooperatively with the Victim Assistance Coordinators in all of the District Courts in Colorado, with Victim Compensation, with the Victim Advocates in the Departments of Correction, Probation, Parole, and with community-based victim programs throughout the state.

SCHEDULE 2 - PROGRAM SUMMARY											
INDIRECT COST ASSESSMENT - CRIMINAL JUSTICE & APPELLATE											
Department of Law	Item	Actual FY 11		Actual FY 12		Approp FY 13		Estimate FY 13		Request FY 14	
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Criminal Justice & Appellate Indirect		382,767		440,209		446,544		446,544		490,623	
General Fund		-		-		-		-		-	
General Fund Exempt		-		-		-		-		-	
Cash Funds		205,732		222,031		215,830		215,830		237,134	
Reappropriated Funds		46,101		71,943		73,184		73,184		80,408	
Federal Funds		130,934		146,235		157,530		157,530		173,081	

SCHEDULE 3 - PROGRAM DETAIL											
INDIRECT COST ASSESSMENT - CRIMINAL JUSTICE & APPELLATE											
Department of Law	Item	Actual FY 11		Actual FY 12		Approp FY 13		Estimate FY 13		Request FY 14	
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Criminal Justice & Appellate Indirect		382,767		440,209		446,544		446,544		490,623	
General Fund											
General Fund Exempt											
Cash Funds		205,732		222,031		215,830		215,830		237,134	
Reappropriated Funds		46,101		71,943		73,184		73,184		80,408	
Federal Funds		130,934		146,235		157,530		157,530		173,081	
RECONCILIATION OF FUNDS											
Long Bill Appropriation		375,994		451,504							
Supplemental											
Rollforward from Previous FY											
Rollforward to Subsequent FY											
Lapsed Appropriation Cash Funds		-		0							
Lapsed Appropriation Federal Funds		6,785		(11,295)							
Lapsed Appropriation Reappropriated Funds		(12)		0							
TOTAL RECONCILIATION		382,767		440,209							

SCHEDULE 4 - SOURCE OF FINANCING - DIRECT REVENUES

INDIRECT COST ASSESSMENT - CRIMINAL JUSTICE & APPELLATE							
Department of Law	Item	Fund Number	Actual FY 2011	Actual FY 2012	Approp FY 2013	Estimate FY 2013	Request FY 2014
Schedule 3 Total			328,276	440,209	446,544	446,544	490,623
General Funds			-	-	-	-	-
General Funds Exempt			-	-	-	-	-
Cash Funds			77,430	222,031	215,830	215,830	237,134
Reappropriated Funds			138,920	71,943	73,184	73,184	80,408
Federal Funds			111,926	146,235	157,530	157,530	173,081
Cash Funds			77,430	222,031	215,830	215,830	237,134
State Compensation Insurance Authority			3,008	38,452	-	-	-
POST Board Cash Fund			74,422	86,828	86,828	86,828	95,399
Insurance Fraud Cash Fund				96,751	129,002	129,002	141,735
Reappropriated Funds			138,920	71,943	73,184	73,184	80,408
DORA Division of Insurance Cash Fund			94,268	-	-	-	-
DORA Division of Securities			44,652	71,943	73,184	73,184	80,408
Federal Funds							
Medicaid Federal Grant			111,926	146,235	157,530	157,530	173,081

